

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 8/20/2024
DATE
PUBLIC SESSION: 9/10/2024
DATE

ITEM (*CHECK ONE*)
 ORDINANCE X RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM DESCRIPTION: Resolution pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 2899 Lamar Avenue, known as case number PD 2024-004

CASE NUMBER: PD 2024 – 004

DEVELOPMENT: Self-Storage Lamar Crossing Planned Development

LOCATION: 2899 Lamar Avenue

COUNCIL DISTRICTS: District 4 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Lamar, Inc.

REPRESENTATIVE: Delinor Smith, Smith Building Design

REQUEST: Amendment to Lamar Crossing Planned Development to allow a mini storage

AREA: +/- 1.81 acres

RECOMMENDATION: The Division of Planning and Development recommended *rejection*
The Land Use Control Board recommended *rejection*

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**
Hearing – September 10, 2024

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
06/13/2024 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____	AMOUNT OF EXPENDITURE
\$ _____	REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____	OPERATING BUDGET
\$ _____	CIP PROJECT # _____
\$ _____	FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

<u>DATE</u>	<u>POSITION</u>
<u>8/12/24</u>	PLANNER I
_____	DEPUTY ADMINISTRATOR
<u>8/12/24</u>	ADMINISTRATOR
_____	DIRECTOR (JOINT APPROVAL)
_____	COMPTROLLER
_____	FINANCE DIRECTOR
_____	CITY ATTORNEY
_____	CHIEF ADMINISTRATIVE OFFICER
_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 2024 – 004

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 2899 LAMAR AVENUE, KNOWN AS CASE NUMBER PD 2024 – 004

- This item is a resolution with conditions to allow a planned development amendment to allow self-storage at the Lamar Crossing Planned Development; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, June 13, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 2024 – 004

LOCATION: 2899 Lamar Avenue

COUNCIL DISTRICT(S): District 4, Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Lamar, Inc.

REPRESENTATIVE: Delinor Smith, Smith Building Design

REQUEST: Amendment to Planned Development to allow a mini storage

EXISTING ZONING: Governed by PD 06 – 313, Area B Commercial Mixed Use – 2 permitted uses

AREA: 1.81 acres

The following spoke in support of the application:
Delinor Smith

The following spoke in opposition of the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval of the application.

The motion failed by a unanimous vote of 8-0-1 on the regular agenda.

Respectfully,



Alexis Longstreet
Planner I
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

PD 2024 – 004
CONDITIONS

Outline Plan Conditions – Revisions

Proposed language is indicated in **bold, underline**; deletions are indicated in ~~bold-strikethrough~~

Lamar Crossing Planned Development
P.D. 06-313
Outline Plan Conditions

I. Uses Permitted:

- A. Area 'A': A maximum of one-hundred twenty (120) multi-family apartment dwelling units, including clubhouse and playgrounds.
- B. Area 'B': Any use permitted by right or administrative site plan review in accordance with the Planned Commercial (C-P) District.

C. Area 'B-1': Any use permitted by right in accordance with Commercial Mixed Use – 2 (CMU-2) and the following use shall be permitted:

a. **Mini storage**

~~C.~~ **D** Area 'C': Church Parking Lot - A maximum of 182 parking spaces shall be permitted and designated Church Parking Only, or Open Space for the apartments shall be provided.

II. Bulk Regulations:

- A. Area 'A': The bulk regulations of R-ML District zoning shall apply, except the maximum height of buildings shall be forty (40') feet. The opaque wall area of multi-family apartment buildings shall be eighty (80%) percent brick.
- B. Area 'B': The bulk regulations of C-P District zoning shall apply, except the maximum allowable building area shall not exceed 35,000 square feet.
- C. Area 'C': Parking shall be in accordance with the Parking (P) District, including landscape islands with one (1) tree for every twenty (20) parking spaces.
- D. **Area 'B-1': The bulk regulations of the CMU-2 District shall apply.**

III. Access, Circulation and Parking:

- A. Dedicate thirty-four (34) feet from the centerline of Dunn Avenue for a distance of 175 feet west and improve in accordance with Subdivision Regulations to provide a left-turn stacking lane 125 feet in length, including a transition land a distance of fifty (50') feet.
- B. Dedicate a thirty (30') foot property line radius at the intersection of Dunn Avenue and Lamar Avenue (U.S. 78) and improve in accordance with Subdivision Regulations.
- C. The following curb-cuts shall be permitted subject to review and approval by the City Engineer.
 - 1. One (1) curb-cut shall be permitted on Lamar Avenue (U.S. 78).
 - 2. Two (2) curb-cuts shall be permitted on Dunn Avenue.
- D. All private and rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two (22') feet, exclusive of curb and gutter.
- E. Any existing non-conforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- F. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward

IV. Landscaping:

- A. A Plate 'A-3' landscape screen shall be provided and installed along Lamar Avenue (U.S. 78), including a landscaped entryway feature subject to review and approval by the Office of Planning and Development.
- B. A Plate 'A-4' (modified) landscape screen shall be provided and installed along Dunn Avenue, including a landscaped entryway feature subject to review and approval by the Office of Planning and Development. The landscape screen shall be illustrated on the Concept/Landscape Plan.
- C. A landscape screen shall be provided and installed along the west property line of Area 'A.' The landscape screen shall be illustrated on the Concept/Landscape Plan.
- D. A Plate 'B-4'(modified) landscape screen shall be provided and installed along the south property line and shall include a sight-proof wood fence eight (8') feet in height. The landscape screen shall be as illustrated on the Concept/Landscape Plan.
- E. Internal landscaping will be provided at a ration of 300 square feet of landscaped area and one (1) shade tree per every twenty (20) parking spaces.
- F. Commercial developments shall provide perimeter landscaping and landscaping flowering beds as illustrated on the Concept/Landscape Plan.
- G. Equivalent landscaping may be substituted for that required above, subject to review and approval by the Office of Planning and Development.
- H. Refuse containers shall be completely screened from view from adjacent properties and the public roadways.

V. Signs:

- A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments.

Area's 'B' and 'B-1'

- B. ~~Area 'B'~~ Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.

- C. Area 'C': Signs shall be in accordance with the requirements of R-S6 District zoning for church parking.

Area's 'B', 'B-1' and 'C'

- D. ~~Areas 'A, B, & C'~~ Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.

VI. Drainage:

- A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision Contract in accordance with Subdivision Regulation and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
- C. Design of the storm water conveyance and management facilities for this project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
- D. All drainage plans shall be submitted to the City Engineer for review.
- E. All drainage emanating on-site shall be private, easements shall not be accepted.

VII. Design and Other:

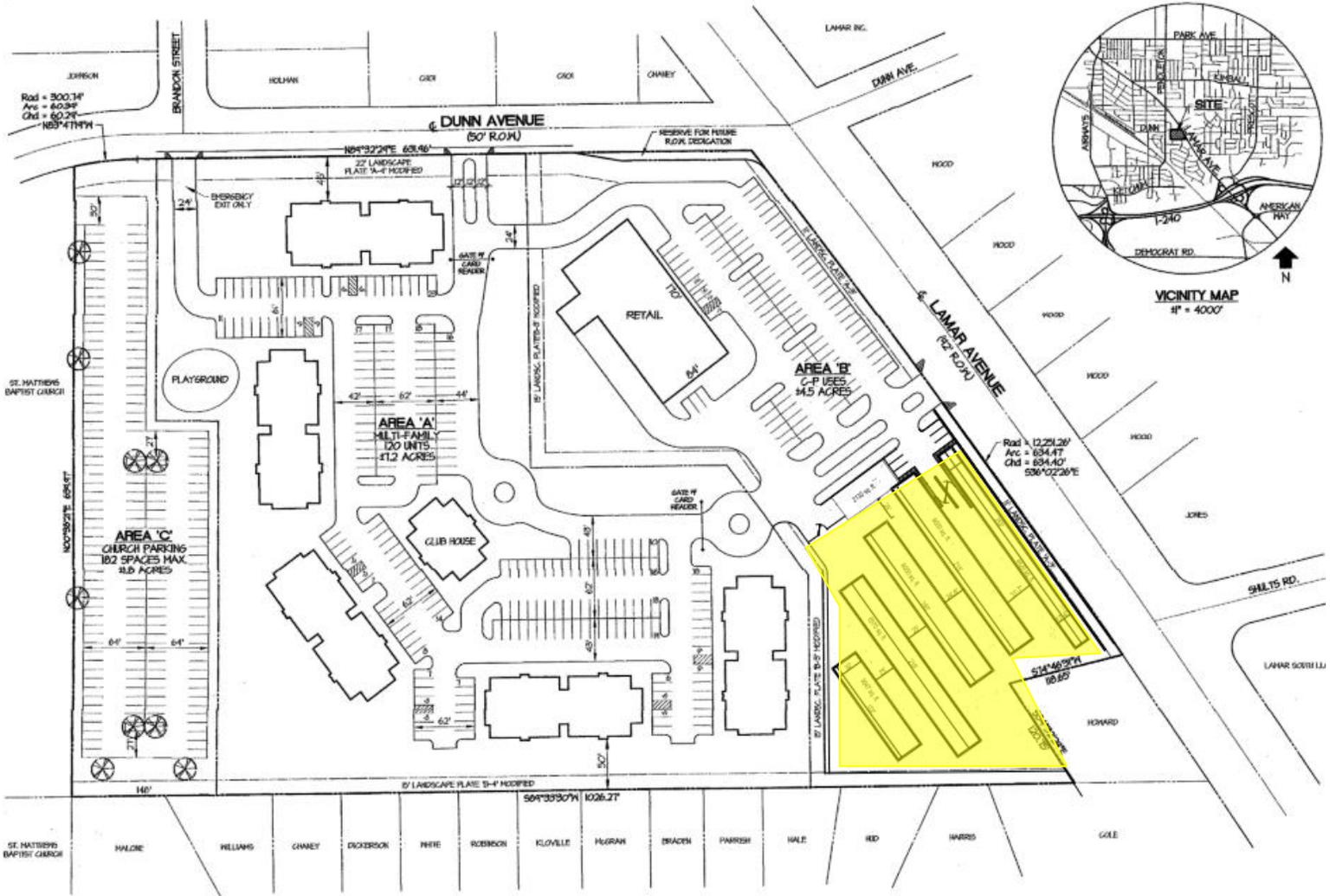
- A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
- B. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.

VIII. A final plan shall be filed within five (5) years of approval of the Outline Plan.
The Land Use Control Board may grant extensions at the request of the applicant.

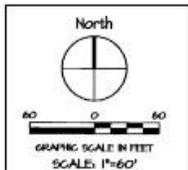
IX. Any final plan shall include the following:

- A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
- B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easements.
- F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
- G. The one-hundred (100) year flood elevation.
- H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as 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.

CONCEPT PLAN



CONCEPTUAL SITE PLAN

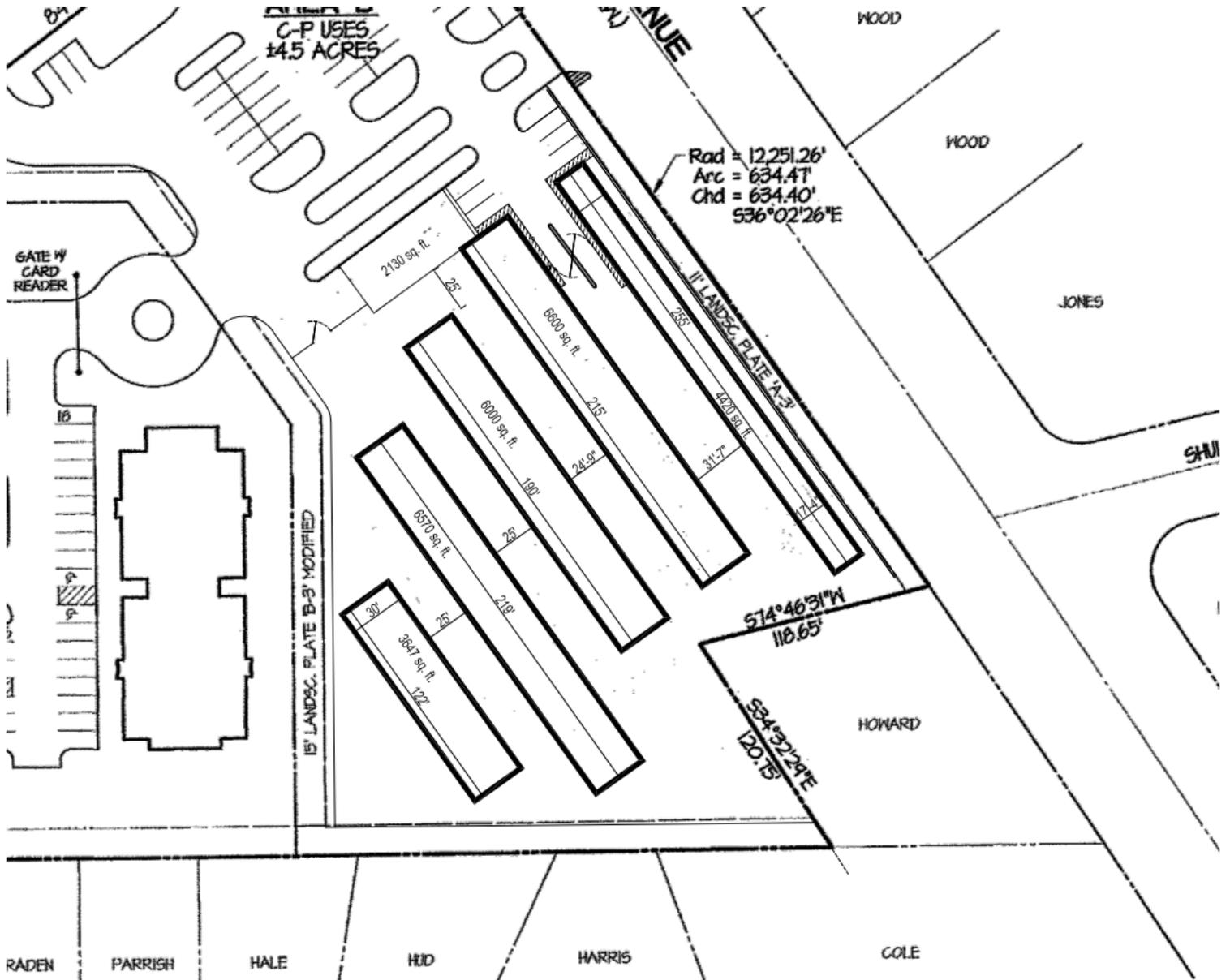


OUTLINE PLAN
LAMAR CROSSING P.D.
 OWNER: LAMAR INC.
 837 AVENUE Z, BROOKLYN, NY 11235 6212

PARCEL ID# 059021 00022
 1.81 ACRES @ 0 LAMAR AVE,
 MEMPHIS, TENNESSEE 38114
 STORAGE AREA 29,367 SQ. FT.
 FEBRUARY 23, 2024

SHEET 1 OF 4

CONCEPT PLAN - MAGNIFIED



RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 2899 LAMAR AVENUE, KNOWN AS CASE NUMBER PD 2024 – 004

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and

WHEREAS, the Lamar, Inc. filed an application with the Memphis and Shelby County Division of Planning and Development for an amendment to allow self-storage within the Lamar Crossing planned development; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Memphis and Shelby County Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on June 13, 2024 and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a planned development is hereby granted in accordance with the attached revised outline plan conditions.

BE IT FURTHER RESOLVED, that the requirements of said aforementioned clause of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

OUTLINE PLAN CONDITIONS - REVISED

Proposed language is indicated in **bold, underline**; deletions are indicated in ~~bold-strikethrough~~

Lamar Crossing Planned Development
P.D. 06-313
Outline Plan Conditions

I. Uses Permitted:

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C. **Area 'B-1': Any use permitted by right in accordance with Commercial Mixed Use - 2 (CMU-2) and the following use shall be permitted:**

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D ~~C.~~ Area 'C': Church Parking Lot - A maximum of 182 parking spaces shall be permitted and designated Church Parking Only, or Open Space for the apartments shall be provided.

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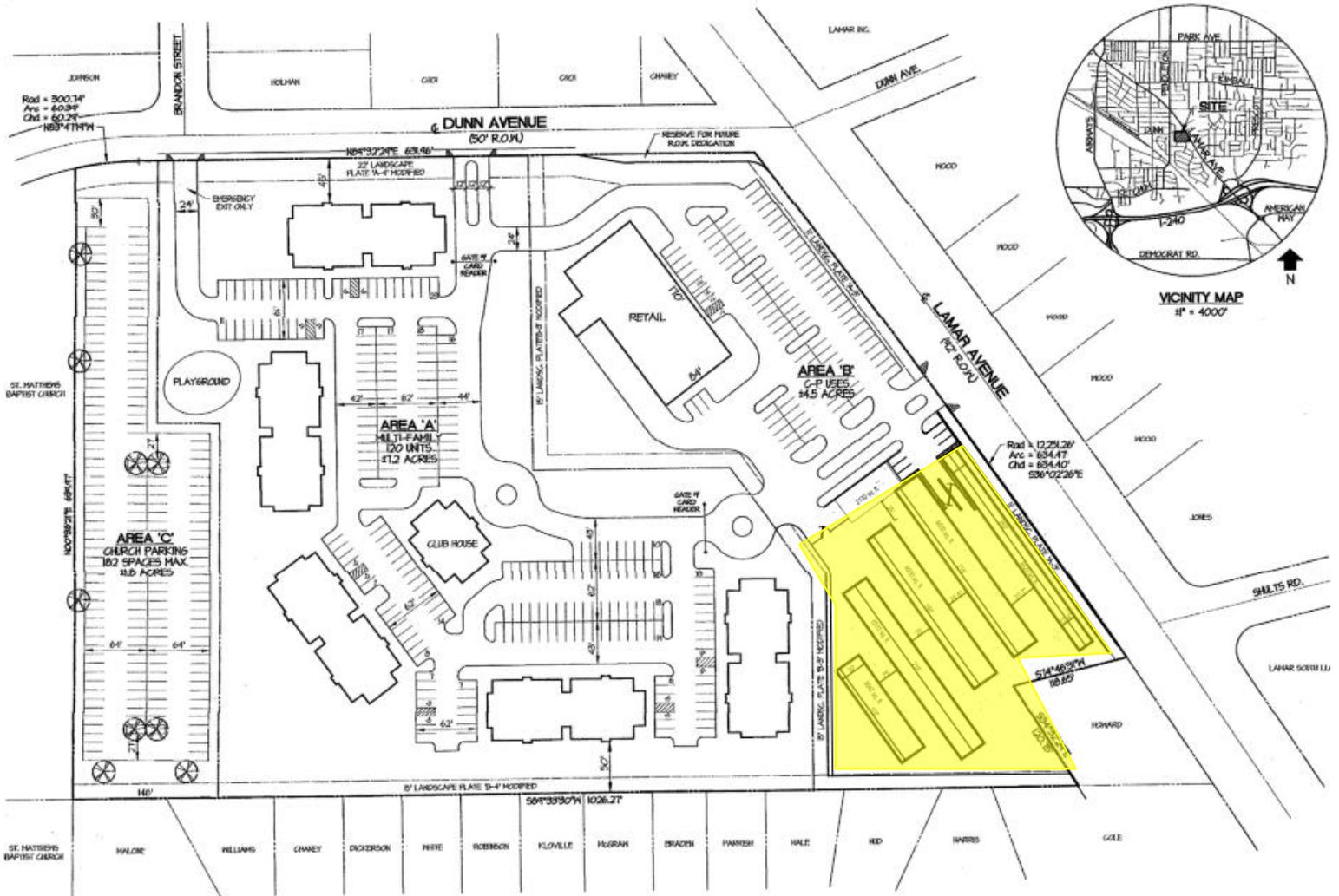
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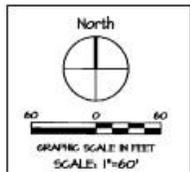
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CONCEPT PLAN



CONCEPTUAL SITE PLAN



OUTLINE PLAN P23100420
LAMAR CROSSING P.D.
 OWNER: LAMAR INC.
 837 AVENUE Z, BROOKLYN, NY 11235 6212
 PARCEL ID# 059021 00022
 1.81 ACRES @ 0 LAMAR AVE,
 MEMPHIS, TENNESSEE 38114
 STORAGE AREA 29,367 SQ. FT.
 FEBRUARY 23, 2024

ATTEST:

**CC: Division of Planning and Development
– Land Use and Development Services
– Office of Construction Enforcement**

AGENDA ITEM: 16 **L.U.C.B. MEETING:** June 13, 2024

CASE NUMBER: PD 2024 – 004

DEVELOPMENT: Self Storage at Lamar Crossing PD

LOCATION: 2899 Lamar Avenue

COUNCIL DISTRICT: District 4 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Lamar, Inc.

REPRESENTATIVE: Delinor Smith, Smith Building Design

REQUEST: Amendment to Planned Development to allow a mini storage

EXISTING ZONING: Governed by PD 06 – 313, Area B Commercial Mixed Use – 2 permitted uses.

CONCLUSIONS

1. The subject property is located within the Lamar Crossing Planned Development (PD 06 – 313) and designated as “Area B” which permits any Commercial Mixed Use – 2 uses.
2. The applicants proposed use of Mini-storage is allowed by the Special Use Permit (SUP) within the CMU – 2 zoning districts.
3. The applicants proposed use of Mini-storage is a special permitted use within the CMU – 2 zoning districts.
4. The project will 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.

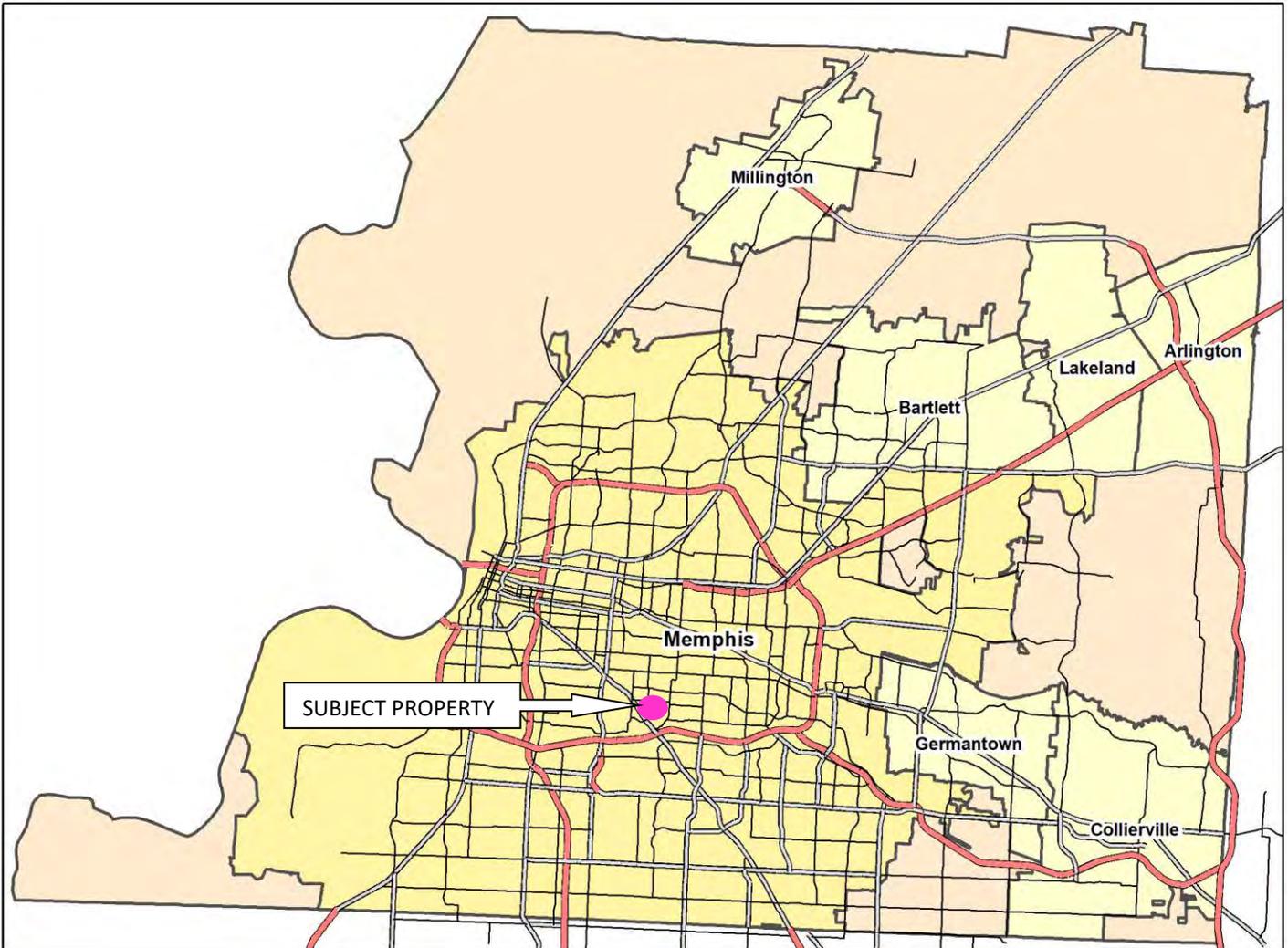
CONSISTENCY WITH MEMPHIS 3.0

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on page 22 – 24 of this report.

RECOMMENDATION:

Rejection

LOCATION MAP



Subject property located within the pink circle.

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow.

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 57 notices were mailed on May 17, 2024, see pages 24 – 25 of this report for a copy of said notice. Additionally, one sign was posted at the subject property, see page 26 of this report for a copy of the sign affidavit.

NEIGHBORHOOD MEETING

The meeting was held at 4:30 PM on Friday, May 31, 2024, at the Cherokee Library, 3300 Sharpe Avenue.

AERIAL



Subject property outlined in yellow, imagery from 2022

ZONING MAP



Subject property highlighted in yellow.

LAND USE MAP



Subject property indicated by a pink star

SITE PHOTOS



View of subject property from Lamar Avenue looking South.

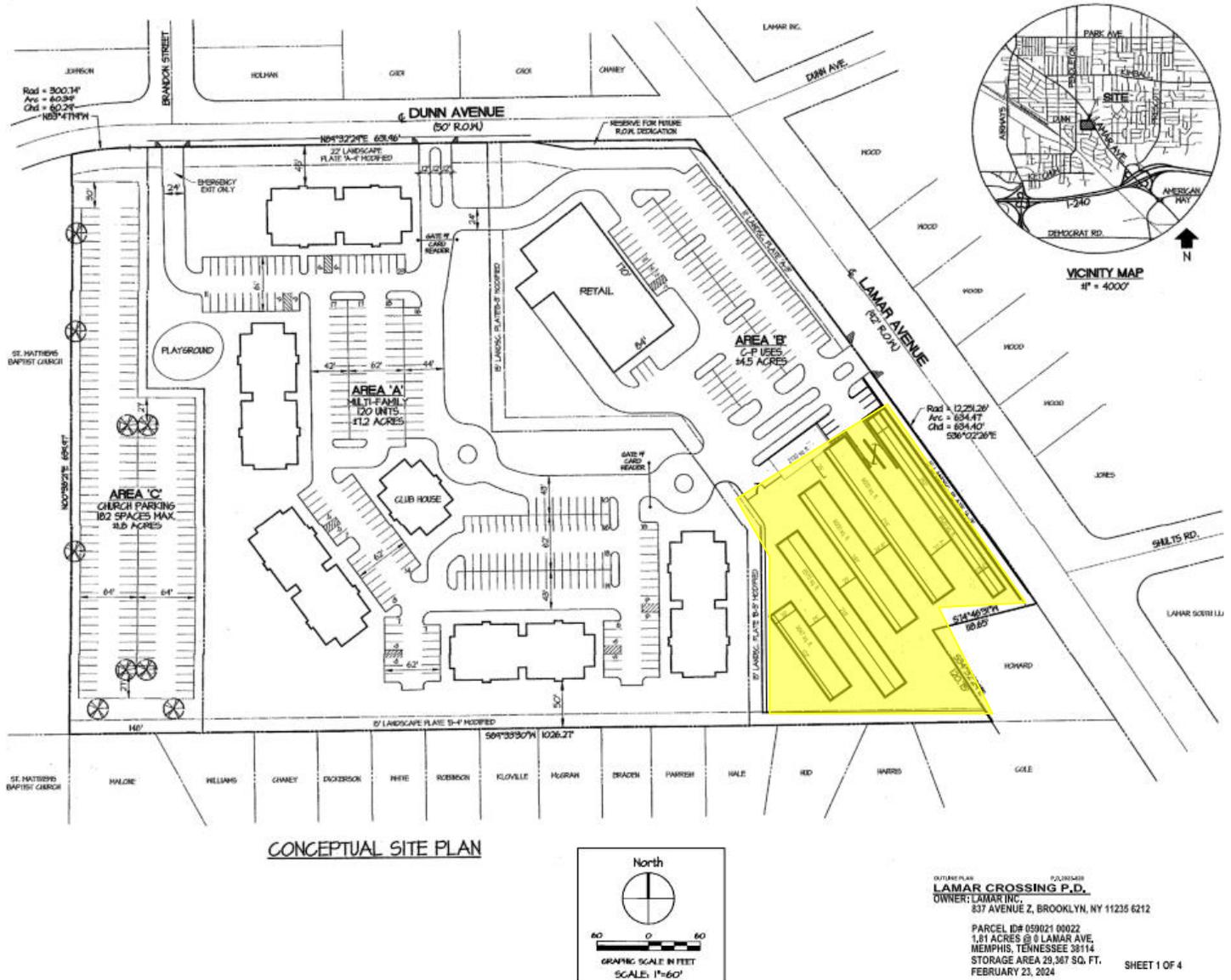


View of subject property from Lamar.

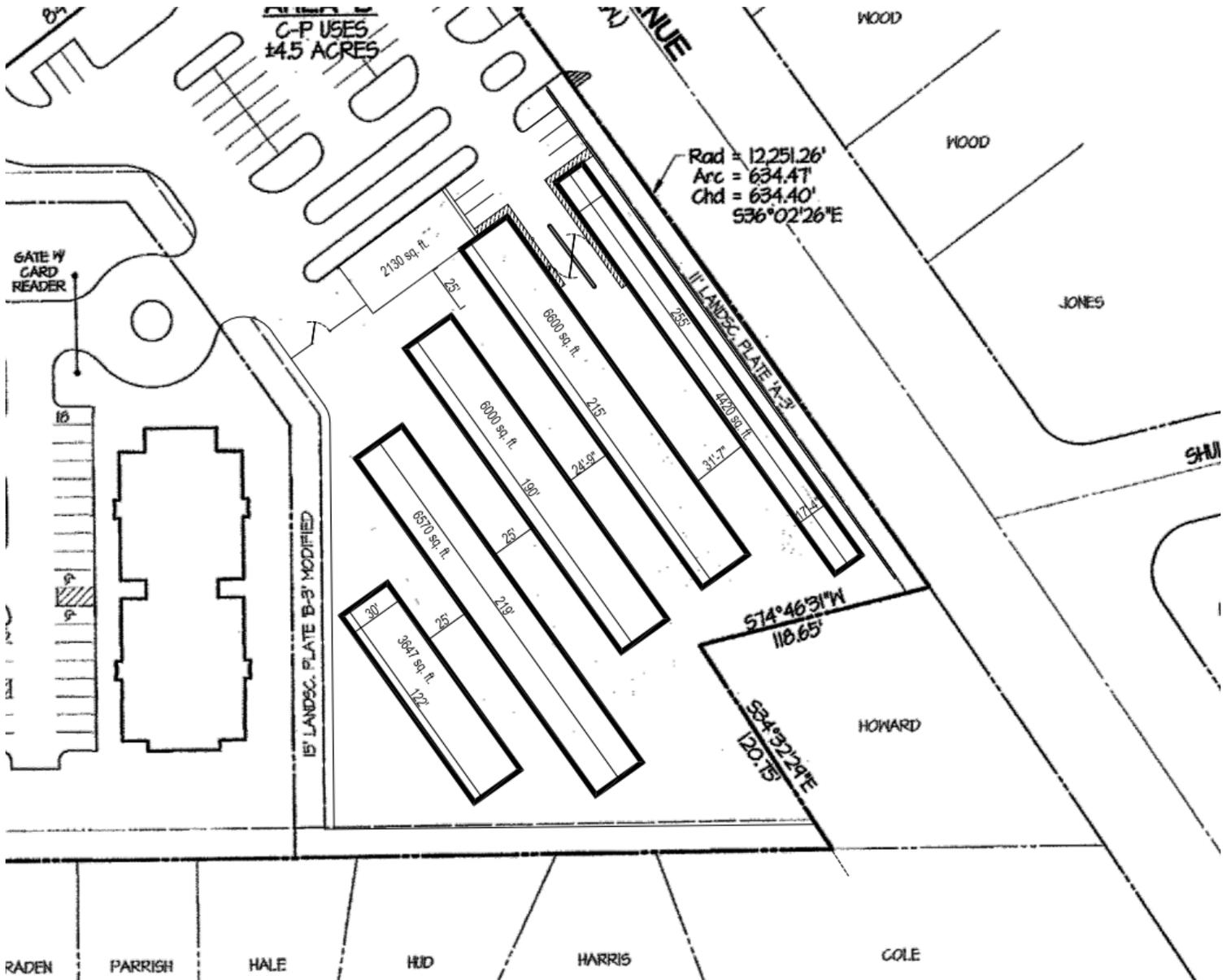


View of subject property from entrance point of abutting property.

CONCEPT PLAN



CONCEPT PLAN - MAGNIFIED



CASE REVIEW

Request

The request is an amendment to the Lamar Crossing Planned Development to allow mini-storage.

Applicability

Staff does not agree the applicability standards and criteria as set out in Section 4.10.2 of the Unified Development Code are or will be met.

4.10.2 Applicability

The governing bodies may, upon proper application, grant a special use permit for a planned development (see Chapter 9.6) for a tract of any size within the City or for tracts of at least three acres in unincorporated Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from district requirements designed for conventional developments, and may establish standards and procedures for planned developments in order to obtain one or more of the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.*
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.*
- C. Functional and beneficial uses of open space areas.*
- D. Preservation of natural features of a development site.*
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.*
- F. Rational and economic development in relation to public services.*
- G. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.*
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.*
- I. Revitalization of established commercial centers of integrated design to order to encourage the rehabilitation of such centers in order to meet current market preferences.*
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.*
- K. Consistency with the Memphis 3.0 General Plan.*

General Provisions

Staff does not agree the general provisions standards and criteria as set out in Section 4.10.3 of the Unified Development Code are or will be met.

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in this Chapter.

- A. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*

- B. An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. Lots of record are created with the recording of a planned development final plan.*

Commercial or Industrial Criteria

Staff does not agree the additional planned commercial or industrial development criteria as set out in Section 4.10.5 of the Unified Development Code are or will be met.

4.10.5 Planned Commercial or Industrial Developments

Approval of a planned commercial or industrial development may be issued by the governing bodies for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels and similar facilities ordinarily accepted as commercial center uses and those industrial uses which can be reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria set forth in Section 4.10.3, planned commercial or industrial developments shall comply with the following standards:

- A. Screening*

When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.
- B. Display of Merchandise*

All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.
- C. Accessibility*

The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.
- D. Landscaping*

Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.

Approval Criteria

Staff does not agree the approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- A. 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.*
- B. 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.*
- C. 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.*
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- H. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Site Details

Address:
2899 Lamar Avenue

Parcel ID:
059021 00051

Area:
+/- 1.81 acres

Description:
The subject property is known as Area B of Lamar Crossing Planned Development (PD 06 – 313) with an underlying zoning of Commercial Mixed Use – 1 (CMU-1) for any regulation not stated within the PD.

Site Zoning History

On October 03, 2006, the Council of the City of Memphis approved Planned Development to allow +/- 35,000 square feet of retail space and one-hundred twenty (120) multi-family apartments in accordance with the Outline Plan and Conditions.

On September 1, 2020, the Council of the City of Memphis adopted Ordinance Number 5757 which approved the downzoning of several properties including the subject property from Commercial Mixed Use – 3 to Commercial Mixed Use – 1. Since the subject property is a part of the Lamar Crossing Planned Development, this downzoning does not supersede the designating zoning outlined in the approved planned conditions. The subject property is governed by Area B Commercial Mixed Use – 2 zoning uses.

Concept Plan Review

The applicant is proposing five (5) mini storage units ranging from +/- 3,647 square feet to +/- 6,570 square feet. The structure located along Lamar Avenue does not meet the CMU – 2 setback building requirements set out in subsection 3.10.2B of the Unified Development Code.

The development will utilize the existing curb cut along Lamar Avenue.

The development will have controlled access that will serve as main egress and ingress and one (1) proposed exit gate southwest of the main entrance.

The proposed landscaping plan is in keeping with the previously approved outline plan conditions.

Analysis

The proposed use of the subject property is in keeping with the previously projected use for Area B of the Lamar Crossing PD. The subject property currently has a vacant land use designation and Low Intensity Commercial future land use designation. The property is surrounded by commercial, institutional, and residential land use designations. The proposed amendment to allow mini storage density is not in keeping with the future land use designation as mini storage is not a permitted use in the CSL future land designation. Therefore, staff recommends rejection of the proposed amendment.

The proposed amendment was considered inconsistent with Memphis 3.0 based on the not being compatible with future land use and intensity. The Lamar Crossing Planned Development is near a proposed Safety Intersection Project boundary which encompasses Lamar/Kimball/Pendleton up to Dunn Avenue which is located at the beginning of the existing Planned Development.

The project will 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.

RECOMMENDATION

Staff recommends rejection; however, if approved, staff recommends the following revisions to the outline plan conditions:

Note: The subject property used for mini storage will be Area B – 1 and indicated on the outline plan and final plat.

Outline Plan Conditions – Revisions

Proposed language is indicated in **bold, underline**; deletions are indicated in ~~**bold strikethrough**~~

Lamar Crossing Planned Development
P.D. 06-313
Outline Plan Conditions

- I. Uses Permitted:
 - A. Area 'A': A maximum of one-hundred twenty (120) multi-family apartment dwelling units, including clubhouse and playgrounds.
 - B. Area 'B': Any use permitted by right or administrative site plan review in accordance with the Planned Commercial (C-P) District.
- C. **Area 'B-1': Any use permitted by right in accordance with Commercial Mixed Use – 2 (CMU-2) and the following use shall be permitted:**
 - a. **Mini-storage**

- D ~~C~~ Area 'C': Church Parking Lot - A maximum of 182 parking spaces shall be permitted and designated Church Parking Only, or Open Space for the apartments shall be provided.

C

II. Bulk Regulations:

- A. Area 'A': The bulk regulations of R-ML District zoning shall apply, except the maximum height of buildings shall be forty (40') feet. The opaque wall area of multi-family apartment buildings shall be eighty (80%) percent brick.
- B. Area 'B': The bulk regulations of C-P District zoning shall apply, except the maximum allowable building area shall not exceed 35,000 square feet.
- C. Area 'C': Parking shall be in accordance with the Parking (P) District, including landscape islands with one (1) tree for every twenty (20) parking spaces.

D. Area 'B-1': The bulk regulations of the CMU-2 District shall apply.

III. Access, Circulation and Parking:

- A. Dedicate thirty-four (34) feet from the centerline of Dunn Avenue for a distance of 175 feet west and improve in accordance with Subdivision Regulations to provide a left-turn stacking lane 125 feet in length, including a transition land a distance of fifty (50') feet.
- B. Dedicate a thirty (30') foot property line radius at the intersection of Dunn Avenue and Lamar Avenue (U.S. 78) and improve in accordance with Subdivision Regulations.
- C. The following curb-cuts shall be permitted subject to review and approval by the City Engineer.
 - 1. One (1) curb-cut shall be permitted on Lamar Avenue (U.S. 78).
 - 2. Two (2) curb-cuts shall be permitted on Dunn Avenue.
- D. All private and rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two (22') feet, exclusive of curb and gutter.
- E. Any existing non-conforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- F. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. Landscaping:

- A. A Plate 'A-3' landscape screen shall be provided and installed along Lamar Avenue (U.S. 78), including a landscaped entryway feature subject to review and approval by the Office of Planning and Development.
- B. A Plate 'A-4' (modified) landscape screen shall be provided and installed along Dunn Avenue, including a landscaped entryway feature subject to review and approval by the Office of Planning and Development. The landscape screen shall be illustrated on the Concept/Landscape Plan.
- C. A landscape screen shall be provided and installed along the west property line of Area 'A.' The landscape screen shall be illustrated on the Concept/Landscape Plan.
- D. A Plate 'B-4'(modified) landscape screen shall be provided and installed along the south property line and shall include a sight-proof wood fence eight (8') feet in height. The landscape screen shall be as illustrated on the Concept/Landscape Plan.
- E. Internal landscaping will be provided at a ration of 300 square feet of landscaped area and one (1) shade tree per every twenty (20) parking spaces.
- F. Commercial developments shall provide perimeter landscaping and landscaping flowering beds as illustrated on the Concept/Landscape Plan.
- G. Equivalent landscaping may be substituted for that required above, subject to review and approval by the Office of Planning and Development.
- H. Refuse containers shall be completely screened from view from adjacent properties and the public roadways.

V. Signs:

- A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments.
Area's 'B' and 'B-1'
- B. ~~Area 'B'~~ Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
- C. Area 'C': Signs shall be in accordance with the requirements of R-56 District zoning for church parking.
Area's 'B', 'B-1' and 'C'
- D. ~~Areas 'A, B, & C'~~ Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.

VI. Drainage:

- A. Drainage Improvements, including on-site detention, shall be provided under a Standard Subdivision Contract in accordance with Subdivision Regulation and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
- C. Design of the storm water conveyance and management facilities for this project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
- D. All drainage plans shall be submitted to the City Engineer for review.
- E. All drainage emanating on-site shall be private, easements shall not be accepted.

VII. Design and Other:

- A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
- B. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.

- VIII. A final plan shall be filed within five (5) years of approval of the Outline Plan.
The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
- A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
 - B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private, of any easements.
 - F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
 - G. The one-hundred (100) year flood elevation.
 - H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
 - I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as 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.

DEPARTMENTAL COMMENTS

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

City/County Engineer:

1. Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available to serve this development.

Roads:

3. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.

4. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

Traffic Control Provisions:

5. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.

6. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.

7. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

8. The City Engineer shall approve the design, number, and location of curb cuts.

9. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.

10. Will require engineering ASPR.

Drainage:

11. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.

12. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.

13. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.

14. 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 and/or County Engineer. 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 and/or 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.

15. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

City/County Fire Division:

- All design and construction shall comply with the 2021 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503.
- Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- IFC 510 In-building two-way emergency responder communication coverage shall be provided in all new and existing buildings. Buildings and structures that cannot support the required level of coverage shall be equipped with systems and components to enhance signals and achieve the required level of communication coverage.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate:	No comments received.
County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Office of Sustainability and Resilience:	No comments received.

**Office of Comprehensive Planning:
Comprehensive Planning Review of Memphis 3.0 Consistency**

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: [PD 2024-004: Lamar](#)

Site Address/Location: 2899 LAMAR AVE
Overlay District/Historic District/Flood Zone: Not in an Overlay District, Historic District, or Flood Zone
Future Land Use Designation: Low Intensity Commercial and Services (CSL)
Street Type: Parkway

The applicant is requesting an amendment to the Lamar Crossing PD to allow mini storage.
The following information about the land use designation can be found on pages 76 – 122:

1. Future Land Use Planning Map



Red polygon indicates the application site on the Future Land Use Map.

2. Land Use Description/Intent

Low Intensity Commercial and Service (CSL) areas are typically not associated with anchors. These areas may include neighborhood supporting commercial uses such as retail sales and services, offices, restaurants, funeral services, small-scale recreation, social service institutions, and occasional upper-story residential. Graphic portrayal of CSL is to the right.



“CSL” Form & Location Characteristics

Commercial and services uses, 1-4 stories height

“CSL” Zoning Notes

Generally compatible with the following zone districts: CMU-1 without frontage requirements, OG, SDBP in accordance with Form and characteristics listed above.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, CMU-1

Adjacent Land Use and Zoning: Single-family, Commercial, and Vacant Land; CMU-1, RU-3 and EMP

Overall Compatibility: *This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.*

3. Degree of Change Map



Red polygon denotes the proposed site on the Degree of Change Map. There is no Degree of Change.

4. Degree of Change Description: N/A
5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities: N/A
6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations: N/A

Consistency Analysis Summary

The applicant is requesting an amendment to the Lamar Crossing PD to allow mini storage. This requested use is not compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning.

Based on the information provided, the proposal is NOT CONSISTENT with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.

MAILED PUBLIC NOTICE

57 Notices Mailed on 05/17/2024.



City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a land use application filed with the Division of Planning and Development. The **MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD** will hold a Public Hearing on the following application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Unified Development Code:

CASE NUMBER: PD 2024-004
LOCATION: 2899 Lamar Avenue
(SEE SITE PLAN ON REVERSE SIDE)
APPLICANT: Dejior Smith
REQUEST: Amendment to the Lamar Crossing PD to allow mini-storage

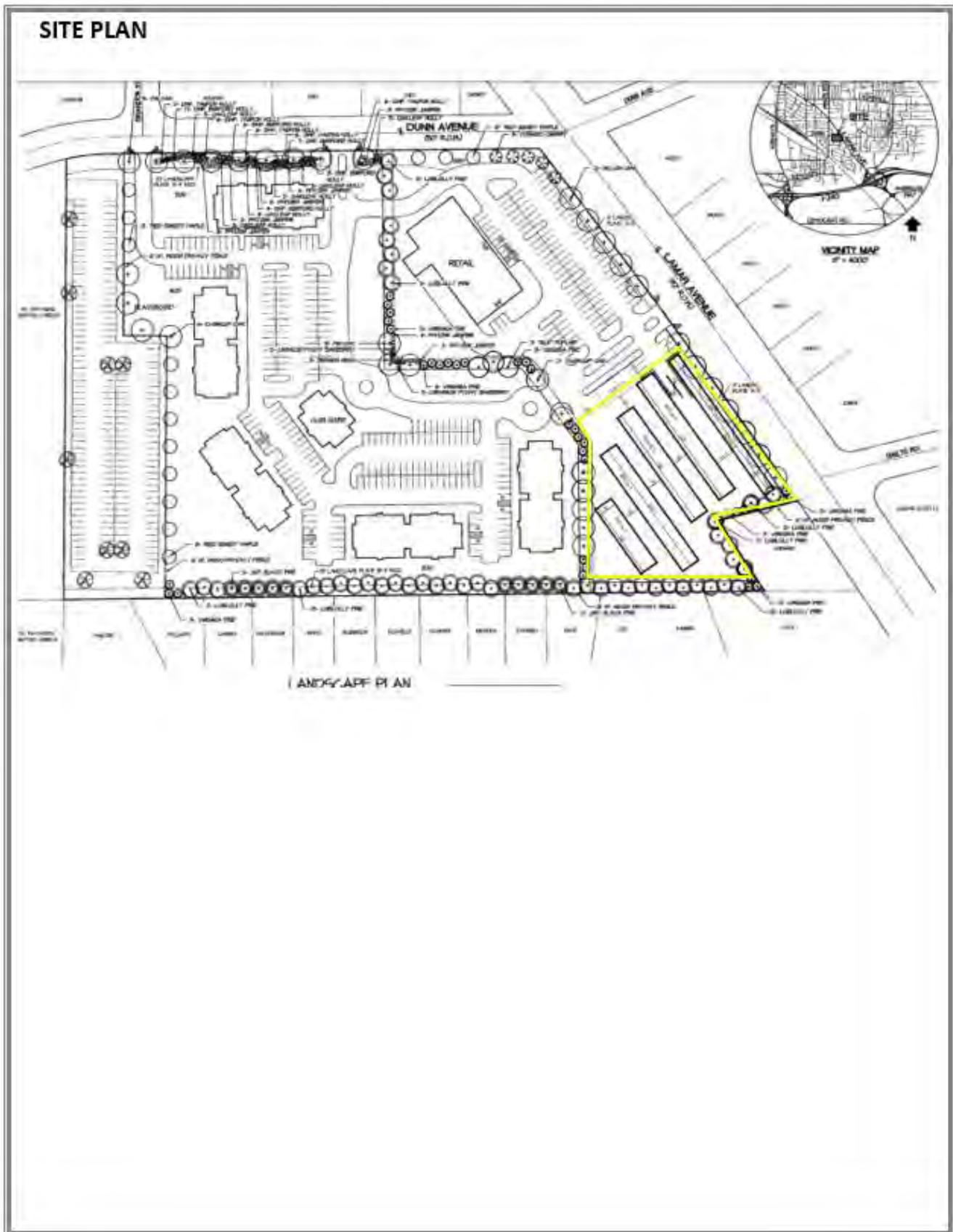
THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:

DATE: Thursday, June 13, 2024
TIME: 9:00 AM
LOCATION: Council Chambers on the First Floor of City Hall, 125 N. Main Street

During the public hearing, the Board may approve or reject this item or hold the item for a public hearing at a subsequent Board meeting.

Please note the Board may place this item on the Consent Agenda, which is considered at the beginning of the Board meeting. No individual public hearing will be held, nor will the Board debate items on the Consent Agenda unless a member of the audience, staff or Board requests that the item be removed from the Consent Agenda.

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Alexis Longstreet at Alexis.Longstreet@memphistn.gov or (901) 636-7120 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, June 5, 2024, at 8 AM**.



SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, DELNOR SMITH, being duly sworn, depose and say that at 2:00 PM am/pm on the 30 day of MAY, 2024, I posted 2 Public Notice Sign(s) pertaining to Case No. PD 2024-004 at 2899 LAMAR AVE.

providing notice of a Public Hearing before the (check one):

- Land Use Control Board
- Board of Adjustment
- Memphis City Council
- Shelby County Board of Commissioners

for consideration of a proposed land use action, a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Delnor Smith
Owner, Applicant or Representative

5-30-24
Date

Subscribed and sworn to before me this 30th day of May, 2024.

Wendy Mosley
Notary Public

My Commission Expires June 28, 2027

My commission expires: _____



APPLICATION



**Memphis and Shelby County Division of
Planning and Development**

East Service Center: 6465 Mullins Station Rd; Memphis,
Tennessee 38134
Downtown Service Center: 125 N. Main Street;
Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Processing

Opened Date: April 7, 2024

Record Number: PD 2024-004

Expiration Date:

Record Name: SELF STORAGE - JUNE LUCB

Description of Work: THE CONSTRUCTION OF SELF STORAGE UNITES WITH AN ESTIMATED OF 29,367 SQ. FT. OF STORAGE AREAS AND A SMALL OFFICE.

Parent Record Number:

Address:

2899 LAMAR AVE, MEMPHIS 38114

Owner Information

Primary Owner Name
Y LAMAR INC

Owner Address
837 AVENUE Z, BROOKLYN, NY 11235

Owner Phone:

Parcel Information

059021 00051

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner: ALEXIS LONGSTREET
Date of Meeting: 11/01/2023
Pre-application Meeting Type: Phone

GENERAL PROJECT INFORMATION

Planned Development Type: Amendment to Existing PD
Previous Docket / Case Number: PD 06-313
Medical Overlay / Uptown: No

GENERAL PROJECT INFORMATION

If this development is located in unincorporated Shelby County, is the tract at least three acres? (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)

SEE ATTACHED PDF FILE OF THE APPLICATION - THE TRACT IS NOT LOCATED IN UNINCORPORATED SHELBY COUNTY

Is this application in response to a citation, stop work order, or zoning letter

No

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information

SEE ATTACHED PDF FILE OF THE APPLICATION

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

SEE ATTACHED PDF FILE OF THE APPLICATION

UDC Sub-Section 9.6.9B

SEE ATTACHED PDF FILE OF THE APPLICATION

UDC Sub-Section 9.6.9C

SEE ATTACHED PDF FILE OF THE APPLICATION

UDC Sub-Section 9.6.9D

SEE ATTACHED PDF FILE OF THE APPLICATION

UDC Sub-Section 9.6.9E

SEE ATTACHED PDF FILE OF THE APPLICATION

UDC Sub-Section 9.6.9F

SEE ATTACHED PDF FILE OF THE APPLICATION

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

SEE ATTACHED PDF FILE OF THE APPLICATION

B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development

SEE ATTACHED PDF FILE OF THE APPLICATION

C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation

SEE ATTACHED PDF FILE OF THE APPLICATION

D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest

SEE ATTACHED PDF FILE OF THE APPLICATION

E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common

SEE ATTACHED PDF FILE OF THE APPLICATION

GENERAL PROVISIONS

elements

F) Lots of record are created with the recording of a planned development final plan SEE ATTACHED PDF FILE OF THE APPLICATION

GIS INFORMATION

Case Layer	-
Central Business Improvement District Class	No
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	-
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

Contact Information

Name DELINOR DELINOR SMITH	Contact Type APPLICANT
--------------------------------------	----------------------------------

Address

Phone
 (190)169-0394

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1553561	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	0.00	04/07/2024
1553561	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	04/07/2024

Total Fee Invoiced: \$1,539.00 Total Balance: \$0.00

Payment Information

Payment Amount \$1,539.00	Method of Payment Credit Card
-------------------------------------	---

OWNER AFFIDAVIT


**MEMPHIS AND
SHELBY COUNTY** **DIVISION OF PLANNING
AND DEVELOPMENT**
 City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee
 38103 – (901) 636-6619

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, MUHAMMAD U. NAWID, MUN, state that I have read the definition of LAMAR INC
(Print Name) (Sign Name)

“Owner” as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

I the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

I charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at _____

and further identified by Assessor's Parcel Number _____

for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 08th day of April in the year of 2024.

Tanweer A. Khan
Signature of Notary Public

My Commission Expires
05/31/2027

TANWEER AHMED KHAN
NOTARY PUBLIC-STATE OF NEW YORK
No. 01KH6242057
Qualified in Kings County
My Commission Expires 05-31-2027

LETTER OF INTENT

Dear Zoning Department,

I am writing to express my intent to open a self-storage facility at 2899 Lamar Ave, Memphis TN 38114. The proposed development is aimed at providing secure and convenient storage solutions for individuals and businesses in the local area.

The facility will consist of units of varying sizes to accommodate the diverse storage needs of our customers. The location of the facility is strategically chosen to serve the surrounding neighborhoods and businesses, with easy access to major highways and thoroughfares.

The proposed self-storage facility will offer 24/7 access and state-of-the-art security measures, including surveillance cameras, individual unit alarms, and secure gate access. Our goal is to provide a safe and secure storage environment for our customers' peace of mind.

We believe that the self-storage market in the local area is ripe for growth, with a growing population and booming economy creating a high demand for storage solutions. Furthermore, the ongoing trend of remote work and e-commerce is driving up the need for additional storage space, making our proposed facility an attractive option for potential customers.

We are committed to working closely with the division of planning and development to ensure that our proposed development meets all local zoning and building regulations. Our aim is to create a facility that is not only beneficial to our customers but also enhances the community in which it is located.

Thank you for your consideration of this letter of intent. If you require any further information or have any questions, please do not hesitate to contact me.

Sincerely,

Muhammad U Nawid

LETTERS RECEIVED

No letters received at the time of completion of this report.



Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: November 9, 2023

Record Number: PD 2023-028

Expiration Date:

Record Name: SELF STORAGE

Description of Work: DRIVE UP SELF STORAGE OR MINI STORAGE

Parent Record Number: MJR 2023-037

Address:

2899 LAMAR AVE, MEMPHIS 38114

Owner Information

Primary Owner Name

Y LAMAR INC

Owner Address

837 AVENUE Z, BROOKLYN, NY 11235

Owner Phone

Parcel Information

059021 00051

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

LUCAS SKINNER

Date of Meeting

09/08/2022

Pre-application Meeting Type

Phone

GENERAL PROJECT INFORMATION

Planned Development Type

New Planned Development (PD)

GENERAL PROJECT INFORMATION

Previous Docket / Case Number -
Medical Overlay / Uptown No
If this development is located in unincorporated Shelby County, is the tract at least three acres? SEE APPLICATION
(Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)
Is this application in response to a citation, stop work order, or zoning letter No
If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information -

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A SEE APPLICATION
UDC Sub-Section 9.6.9B SEE APPLICATION
UDC Sub-Section 9.6.9C SEE APPLICATION
UDC Sub-Section 9.6.9D SEE APPLICATION
UDC Sub-Section 9.6.9E SEE APPLICATION
UDC Sub-Section 9.6.9F SEE APPLICATION

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A SEE APPLICATION
B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development SEE APPLICATION
C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation SEE APPLICATION
D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest SEE APPLICATION
E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements SEE APPLICATION
F) Lots of record are created with the recording of a planned development final plan SEE APPLICATION

GIS INFORMATION

Central Business Improvement District No

GIS INFORMATION

Case Layer	-
Class	C
Downtown Fire District	No
Historic District	-
Land Use	-
Municipality	-
Overlay/Special Purpose District	-
Zoning	CMU-3
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

Contact Information

Name

MUHAMMAD U NAWID

Contact Type

APPLICANT

Address

Phone

(917)690-8686

Dear Zoning Department,

I am writing to express my intent to open a self-storage facility at 2899 Lamar Ave, Memphis TN 38114. The proposed development is aimed at providing secure and convenient storage solutions for individuals and businesses in the local area.

The facility will consist of units of varying sizes to accommodate the diverse storage needs of our customers. The location of the facility is strategically chosen to serve the surrounding neighborhoods and businesses, with easy access to major highways and thoroughfares.

The proposed self-storage facility will offer 24/7 access and state-of-the-art security measures, including surveillance cameras, individual unit alarms, and secure gate access. Our goal is to provide a safe and secure storage environment for our customers' peace of mind.

We believe that the self-storage market in the local area is ripe for growth, with a growing population and booming economy creating a high demand for storage solutions. Furthermore, the ongoing trend of remote work and e-commerce is driving up the need for additional storage space, making our proposed facility an attractive option for potential customers.

We are committed to working closely with the division of planning and development to ensure that our proposed development meets all local zoning and building regulations. Our aim is to create a facility that is not only beneficial to our customers but also enhances the community in which it is located.

Thank you for your consideration of this letter of intent. If you require any further information or have any questions, please do not hesitate to contact me.

Sincerely,

Muhammad U Nawid

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, _____, _____, state that I have read the definition of
(Print Name) (Sign Name)

“Owner” as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

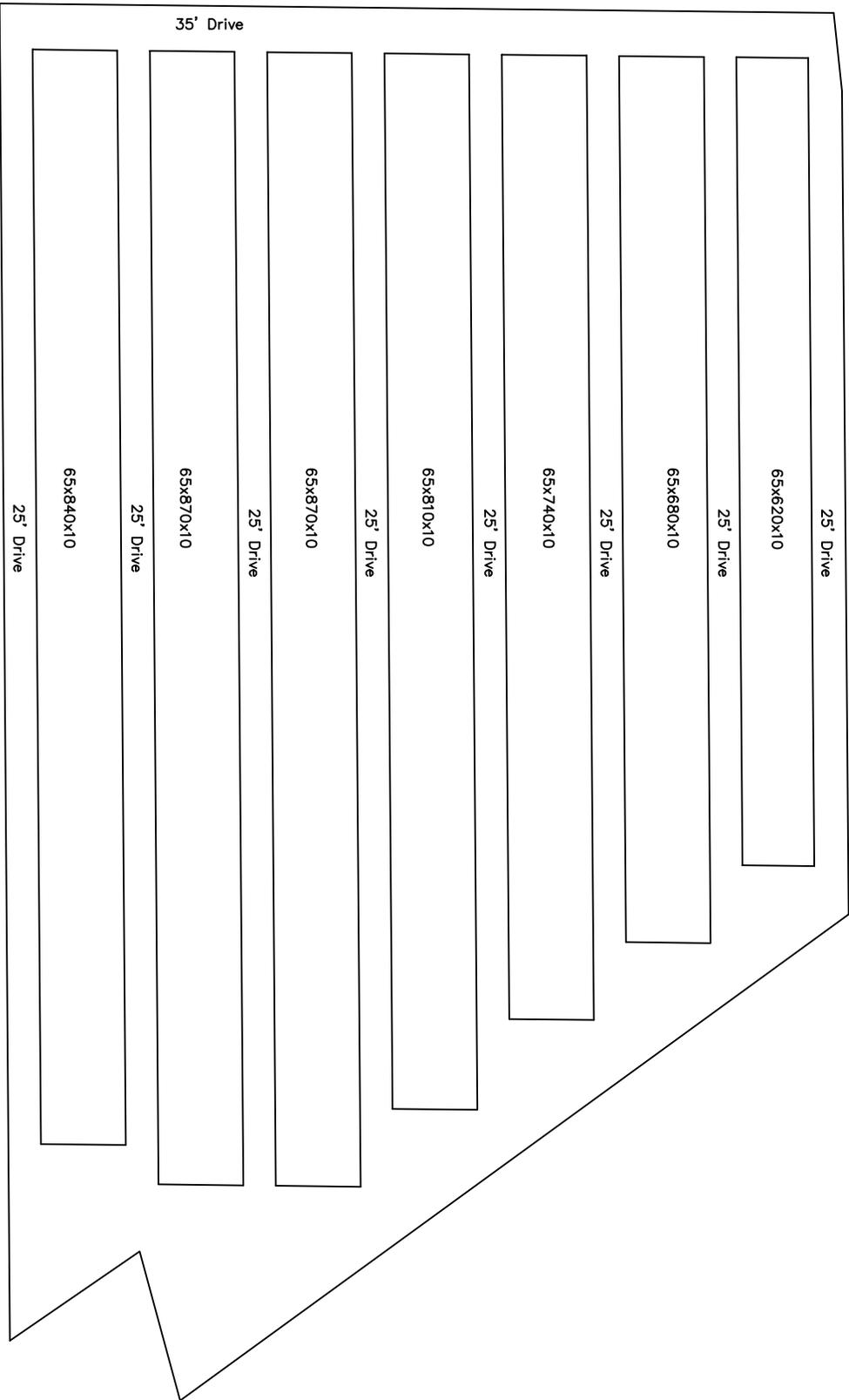
- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
- I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

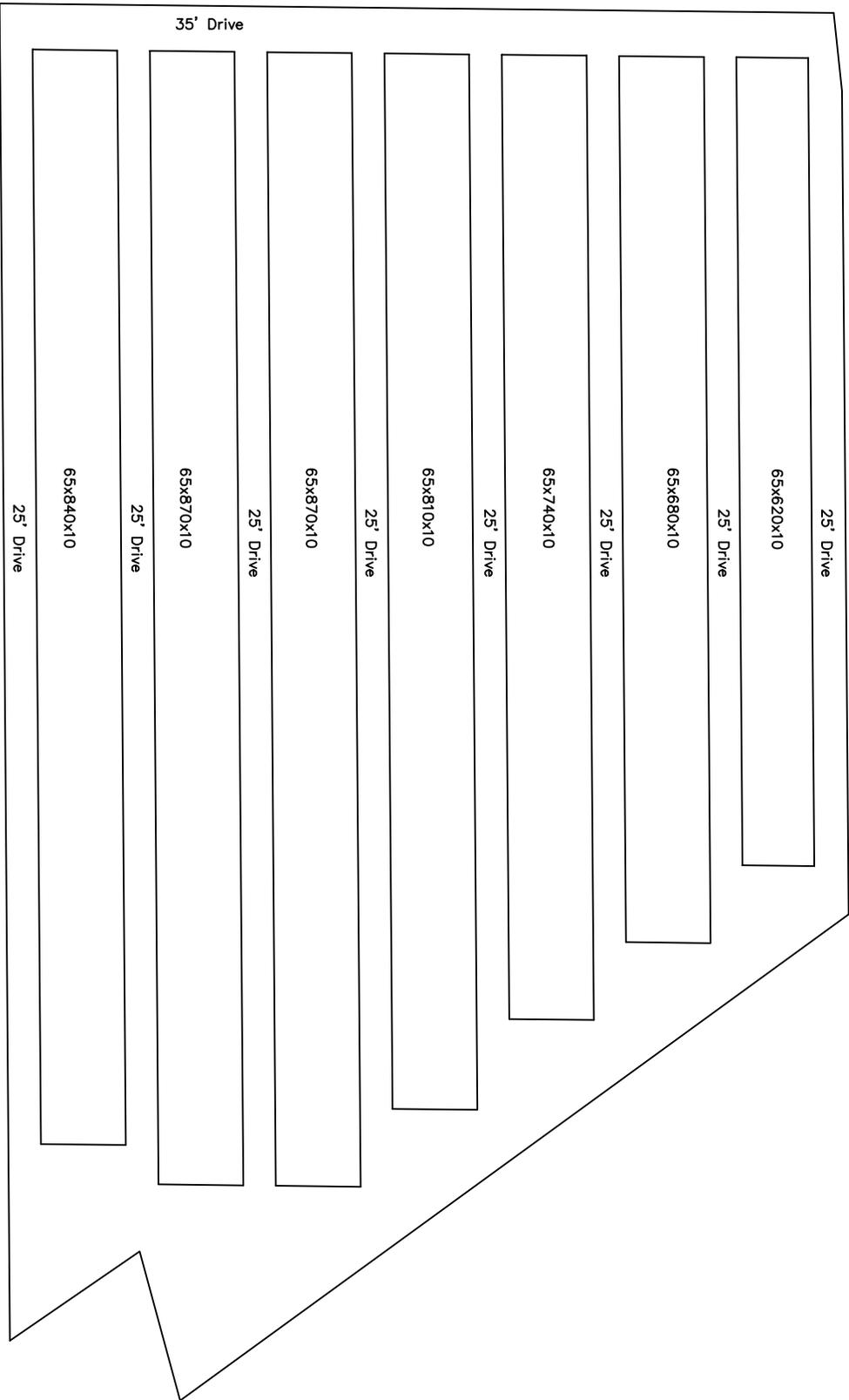
of the property located at _____
and further identified by Assessor’s Parcel Number _____,
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this _____ day of _____ in the year of _____.

Signature of Notary Public

My Commission Expires







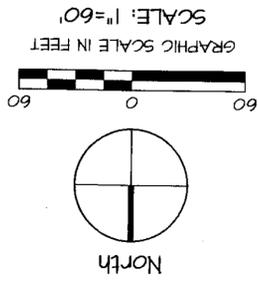
Tom Leatherwood
Shelby County Register

As evidenced by the instrument number shown below, this document
has been recorded as a permanent record in the archives of the
Office of the Shelby County Register.

	
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RECORDING FEE	15.00
DP FEE	2.00
TOTAL AMOUNT	17.00
TOM LEATHERWOOD	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

OUTLINE PLAN
OWNER: HORIZON HOLDING COMPANY, LLC
DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC
MEMPHIS, TENNESSEE
OCTOBER, 2006

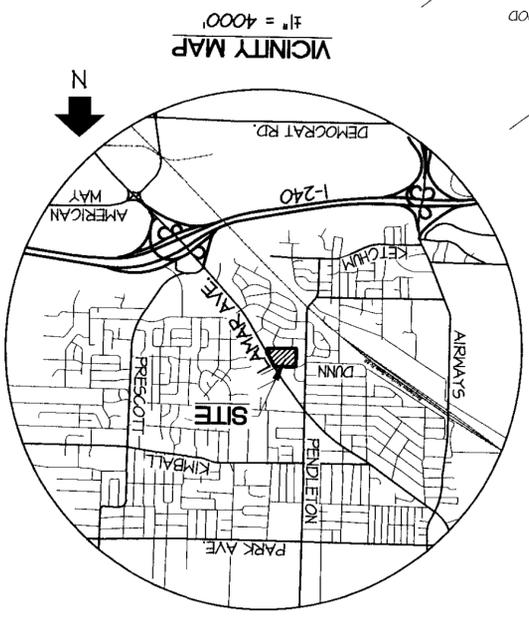
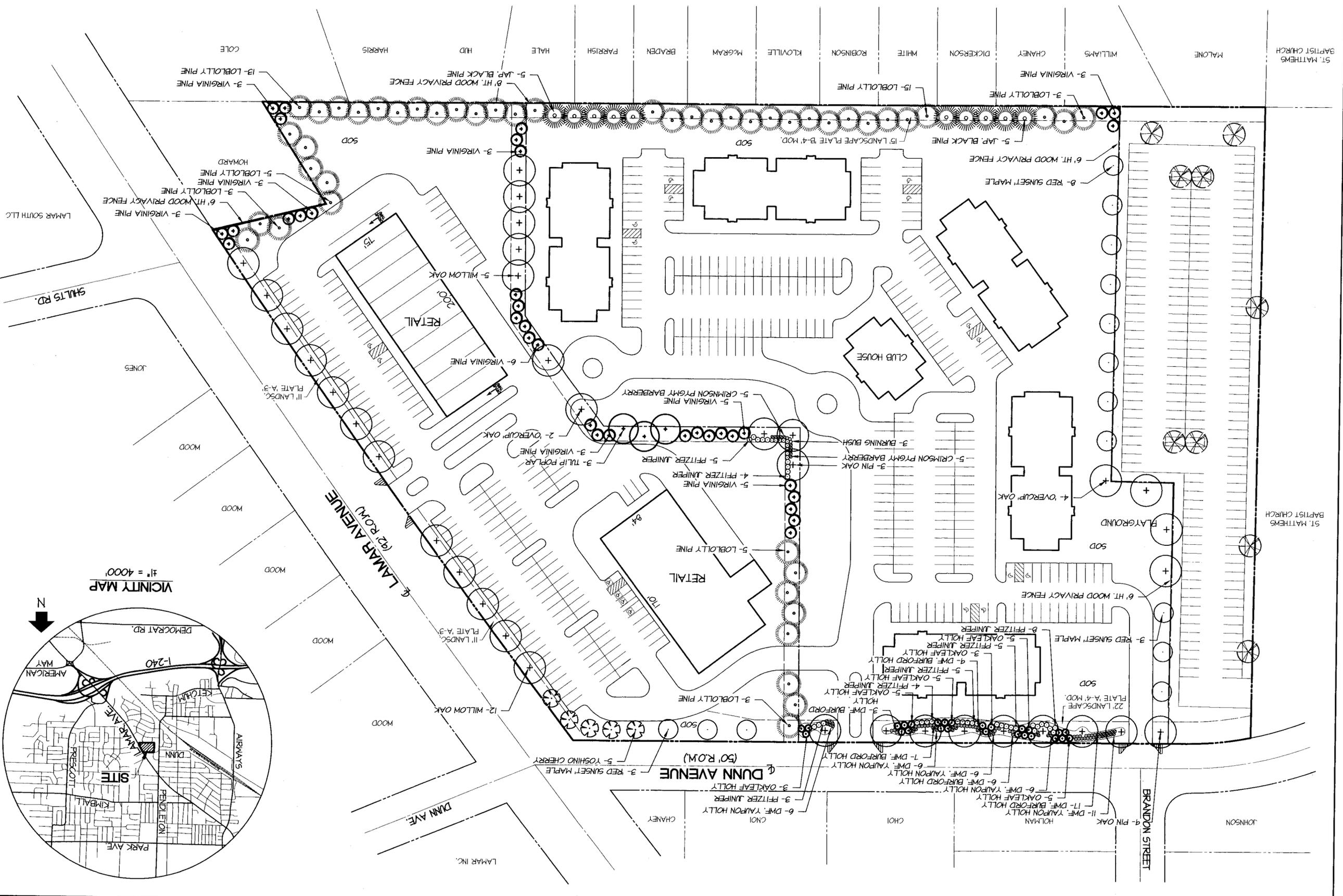
The Reaves Firm
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NO BUILDING PERMIT SHALL BE ISSUED AS A RESULT OF THE RECORDING OF THIS PLAT

LANDSCAPE PLAN



DATE: 10/23/06, 11:53 AM; DRAWN: TOM LEATHERWOOD; CHECKED: TOM LEATHERWOOD

I. Uses Permitted:

- A. Area 'A': A maximum of one-hundred twenty (120) multi-family apartment dwelling units, including clubhouse and playgrounds.
- B. Area 'B': Any use permitted by right or administrative site plan review in accordance with the Planned Commercial (C-P) District.
- C. Area 'C': Church Parking Lot - A maximum of 182 parking spaces shall be permitted and designated Church Parking Only, or Open Space for the apartments shall be provided.

II. Bulk Regulations:

- A. Area 'A': The bulk regulations of R-ML District zoning shall apply, except the maximum height of buildings shall be forty (40) feet. The opaque wall area of multi-family apartment buildings shall be eighty (80%) percent brick.
- B. Area 'B': The bulk regulations of C-P District zoning shall apply, except the maximum allowable building area shall not exceed 35,000 square feet.
- C. Area 'C': Parking shall be in accordance with the Parking (P) District, including landscape islands with one (1) tree for every twenty (20) parking spaces.

III. Access, Circulation and Parking:

- A. Dedicate thirty-four (34) feet from the centerline of Dunn Avenue for a distance of 175 feet west and improve in accordance with Subdivision Regulations to provide a left-turn stacking lane 125 feet in length, including a transition land a distance of fifty (50) feet.
- B. Dedicate a thirty (30) foot property line radius at the intersection of Dunn Avenue and Lamar Avenue (U.S. 78) and improve in accordance with Subdivision Regulations.
- C. The following curb-cuts shall be permitted subject to review and approval by the City Engineer.
 - 1. One (1) curb-cut shall be permitted on Lamar Avenue (U.S. 78).
 - 2. Two (2) curb-cuts shall be permitted on Dunn Avenue.
- D. All private and rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two (22) feet, exclusive of curb and gutter.
- E. Any existing non-conforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- F. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. Landscaping:

- A. A Plate 'A-3' landscape screen shall be provided and installed along Lamar Avenue (U.S. 78), including a landscaped entryway feature subject to review and approval by the Office of Planning and Development.
- B. A Plate 'A-4' (modified) landscape screen shall be provided and installed along Dunn Avenue, including a landscaped entryway feature subject to review and approval by the Office of Planning and Development. The landscape screen shall be illustrated on the Concept/Landscape Plan.
- C. A landscape screen shall be provided and installed along the west property line of Area 'A'. The landscape screen shall be illustrated on the Concept/Landscape Plan.
- D. A Plate 'B-4'(modified) landscape screen shall be provided and installed along the south property line and shall include a sight-proof wood fence eight (8) feet in height. The landscape screen shall be as illustrated on the Concept/Landscape Plan.
- E. Internal landscaping will be provided at a ration of 300 square feet of landscaped area and one (1) shade tree per every twenty (20) parking spaces.
- F. Commercial developments shall provide perimeter landscaping and landscaping flowering beds as illustrated on the Concept/Landscape Plan.
- G. Equivalent landscaping may be substituted for that required above, subject to review and approval by the Office of Planning and Development.
- H. Refuse containers shall be completely screened from view from adjacent properties and the public roadways.

V. Signs:

- A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments.
- B. Area 'B': Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
- C. Area 'C': Signs shall be in accordance with the requirements of R-56 District zoning for church parking.
- D. Areas 'A, B, & C': Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.

VI. Drainage:

- A. Drainage Improvements, including on-site detention, shall be provided under a Standard Subdivision Contract in accordance with Subdivision Regulation and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
- C. Design of the storm water conveyance and management facilities for this project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
- D. All drainage plans shall be submitted to the City Engineer for review.
- E. All drainage emanating on-site shall be private, easements shall not be accepted.

VII. Design and Other:

- A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
- B. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.

VIII. A final plan shall be filed within five (5) years of approval of the Outline Plan. The Land Use Control Board may grant extensions at the request of the applicant.

IX. Any final plan shall include the following:

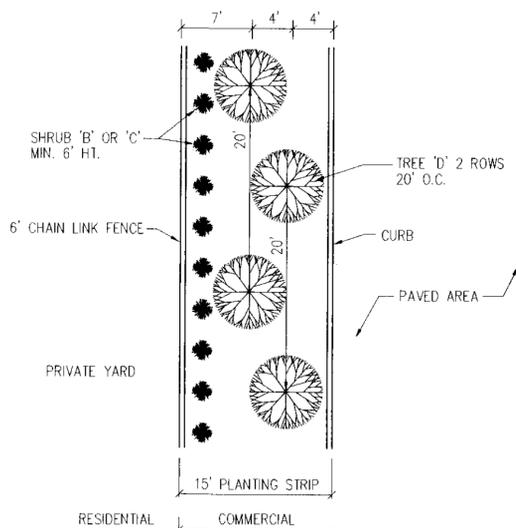
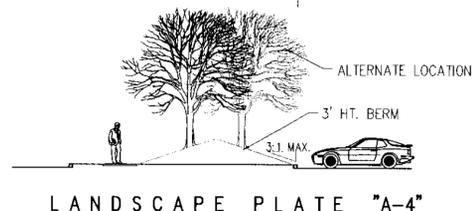
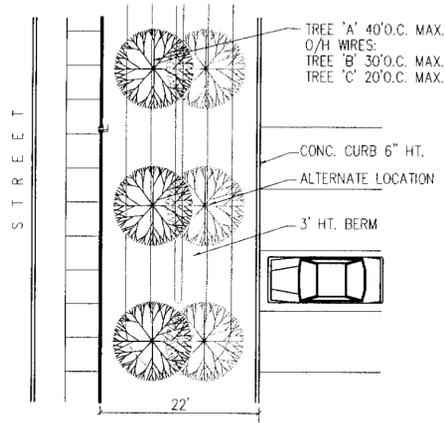
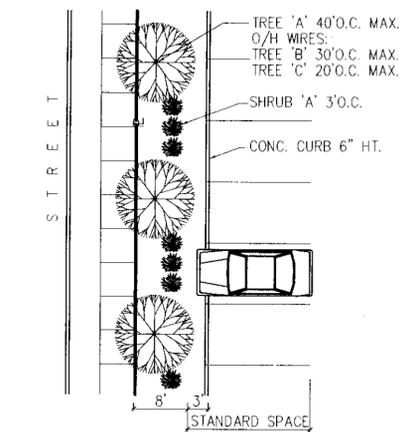
- A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
- B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easements.
- F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
- G. The one-hundred (100) year flood elevation.
- H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as 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.

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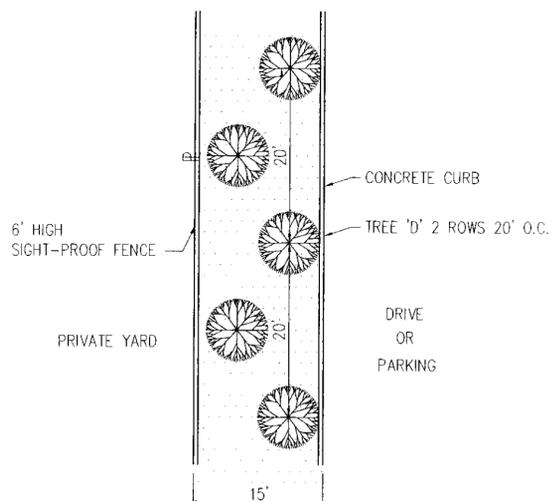
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TOM LEATHERWOOD
REGISTER OF DEEDS SHREVEPORT, TENNESSEE



OUTLINE PLAN P.D. 06-313
LAMAR CROSSING P.D.
OWNER: HORIZON HOLDING COMPANY, LLC
DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC
13.5 ACRES ON LAMAR AVENUE
MEMPHIS, TENNESSEE
OCTOBER, 2006 SHEET 3 OF 4



LANDSCAPE PLATE "B-3"



LANDSCAPE PLATE "B-4"

OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

This outline plan conforms with the planned development acted on by the Memphis and Shelby County Land Use Control Board on August 10, 2006. Approved by the Memphis City Council on October 3, 2006.

By: Mary D. Baker Date: 10/30/06
Director, Office of Planning and Development

OWNER'S CERTIFICATE

I, Horizon Holding Company, LLC, the undersigned owner(s) of the property shown, hereby adopt this plat as my/our plan of development. We certify that we are the owner(s) of the said property in fee simple, duly authorized to act, and that said property is not encumbered by any taxes (or mortgages) which have become due and payable.

[Signature]
Signature

NOTARY'S CERTIFICATE

State of Tennessee
County of Shelby

Before me, the undersigned, a Notary Public in and for the said State and County at Memphis, duly commissioned and qualified, personally appeared PRESTON BYRD with whom I am personally acquainted, and who upon his (her) oath acknowledged himself (herself) to be CHIEF MANAGER of the HORIZON HOLDING COMPANY LLC, the within named bargainer, and that he (she) executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and affixed my notarial seal at my office in Memphis, this 30th day of OCTOBER, 2006.

Notary Public [Signature]
My Commission Expires NOV 01 2008



ENGINEER'S CERTIFICATE

It is hereby certified that this plat is true and correct, is in conformance with the design requirements of the Zoning Ordinance, the Subdivision Regulations and the specific conditions imposed on this development, and that the same conform to all applicable federal, state and local building laws and regulations.

By: [Signature]
Tennessee Certificate No. 06177206



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SHEET 4 OF 4

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Tom Leatherwood
Shelby County Register

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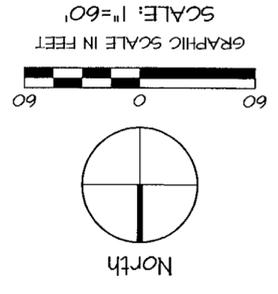
	
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LAMAR CROSSING P.D.
 OWNER: HORIZON HOLDING COMPANY, LLC
 DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC
 13.5 ACRES ON LAMAR AVENUE
 MEMPHIS, TENNESSEE
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The Firm
Reaves
 INCORPORATED

Planning
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TOM LEATHERWOOD
 REGISTERED PROFESSIONAL ENGINEER
 REGISTER OF DEEDS SHILLY COUNTY TENNESSEE

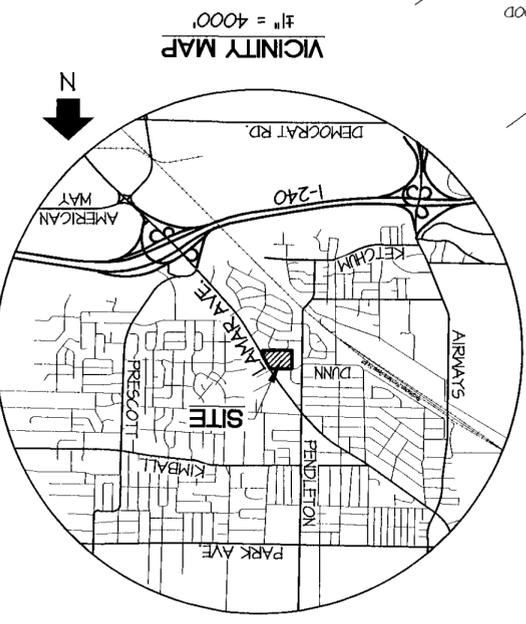
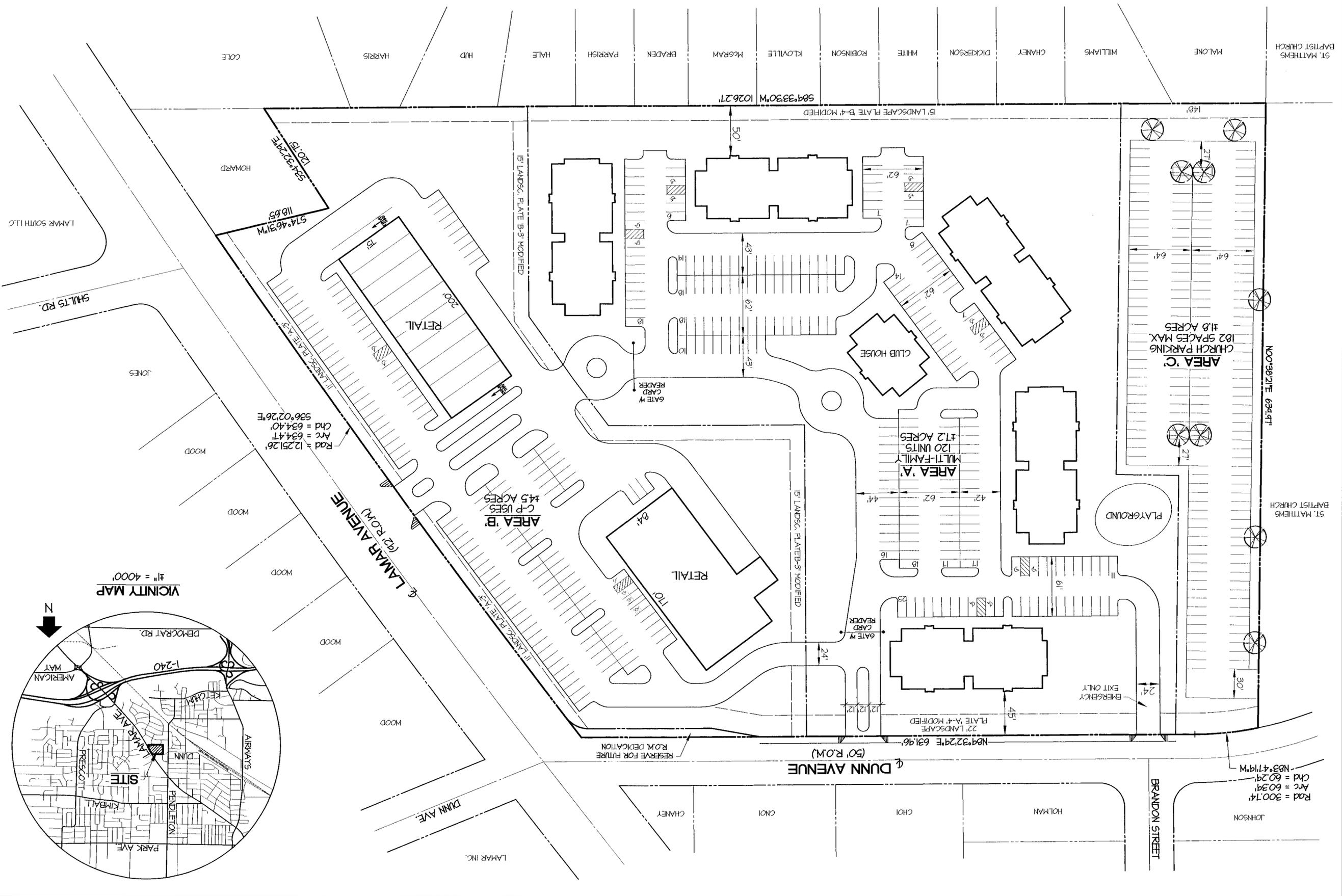
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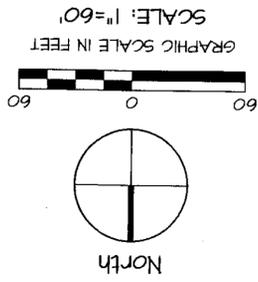
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CONCEPTUAL SITE PLAN



OUTLINE PLAN
OWNER: HORIZON HOLDING COMPANY, LLC
DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC
MEMPHIS, TENNESSEE
OCTOBER, 2006

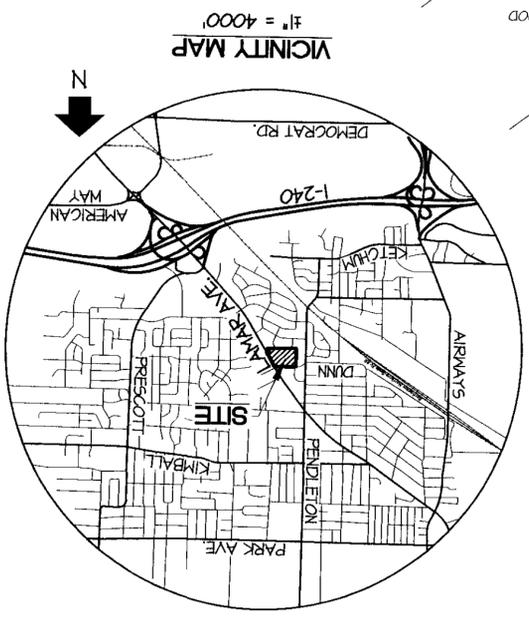
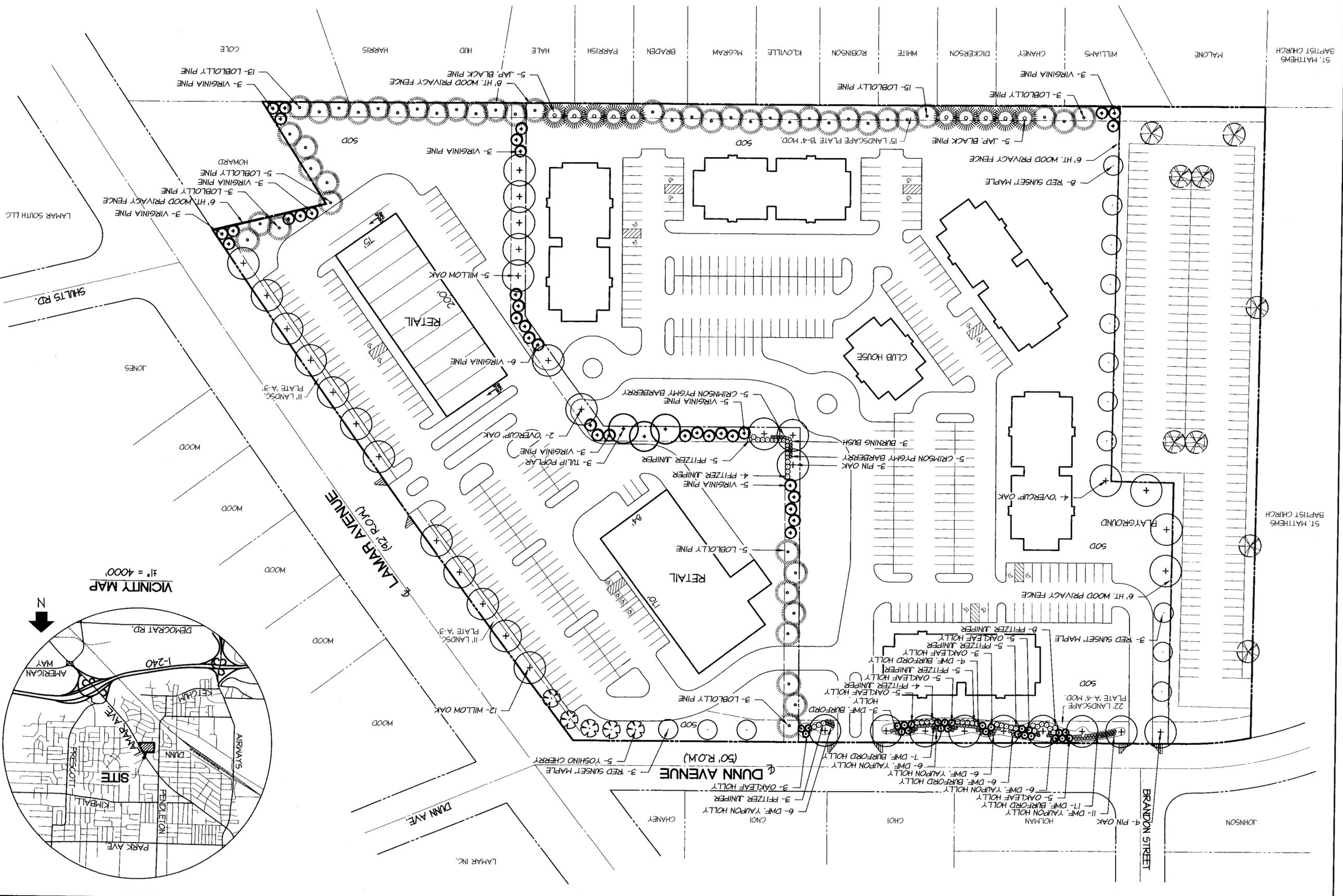
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LANDSCAPE PLAN



10/23/2006 11:53 AM

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VII. Design and Other:

- A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
- B. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.

VIII. A final plan shall be filed within five (5) years of approval of the Outline Plan. The Land Use Control Board may grant extensions at the request of the applicant.

IX. Any final plan shall include the following:

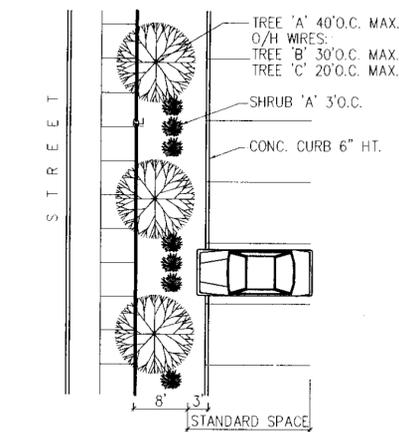
- A. All final plans shall generally conform with the Concept/Landscape Plan and Outline Plan Conditions.
- B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions, including height of all buildings or buildable area, parking areas, drives and required landscaping.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private, of any easements.
- F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
- G. The one-hundred (100) year flood elevation.
- H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
- I. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The area denoted by "Reserved for Storm Water Detention" shall not be used as 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.

" NO BUILDING PERMIT SHALL BE
ISSUED AS A RESULT OF THE
RECORDING OF THIS PLAT "

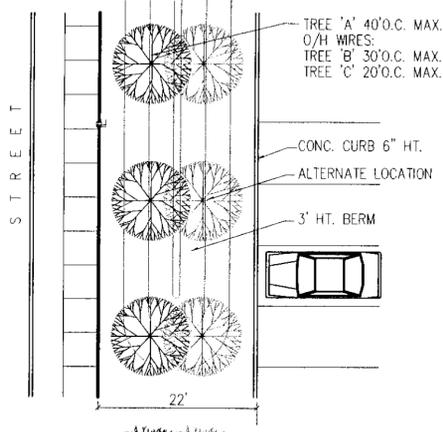
06177206
10/30/2006 - 11:35 AM
4 PGS : R - PLAT
LIS 445260-6177206
PLAT BOOK : 229
PAGE : 39
RECORDING FEE 15.00
DP FEE 2.00
TOTAL AMOUNT 17.00
TOM LEATHERWOOD
REGISTER OF DEEDS SHREVEPORT, TENNESSEE



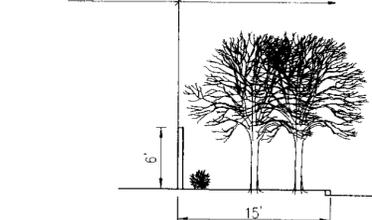
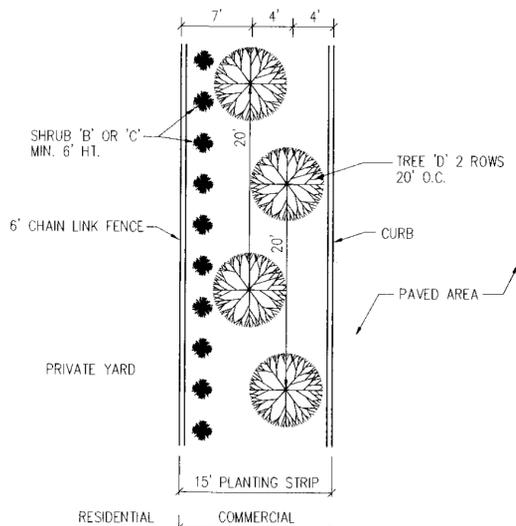
OUTLINE PLAN P.D. 06-313
LAMAR CROSSING P.D.
OWNER: HORIZON HOLDING COMPANY, LLC
DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC
13.5 ACRES ON LAMAR AVENUE
MEMPHIS, TENNESSEE
OCTOBER, 2006 SHEET 3 OF 4



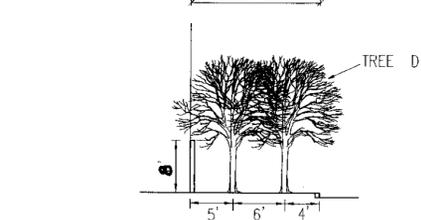
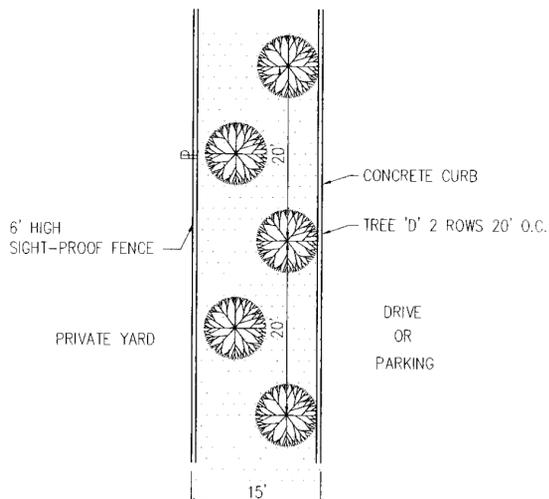
LANDSCAPE PLATE "A-3"



LANDSCAPE PLATE "A-4"



LANDSCAPE PLATE "B-3"



LANDSCAPE PLATE "B-4"

OFFICE OF PLANNING AND DEVELOPMENT CERTIFICATE

This outline plan conforms with the planned development acted on by the Memphis and Shelby County Land Use Control Board on August 10, 2006. Approved by the Memphis City Council on October 3, 2006.

By: Mary D. Baker Date: 10/30/06
Director, Office of Planning and Development

OWNER'S CERTIFICATE

I, Horizon Holding Company, LLC, the undersigned owner(s) of the property shown, hereby adopt this plat as my/our plan of development. We certify that we are the owner(s) of the said property in fee simple, duly authorized to act, and that said property is not encumbered by any taxes (or mortgages) which have become due and payable.

[Signature]
Signature

NOTARY'S CERTIFICATE

State of Tennessee
County of Shelby

Before me, the undersigned, a Notary Public in and for the said State and County at Memphis, duly commissioned and qualified, personally appeared PRESTON BYRD with whom I am personally acquainted, and who upon his (her) oath acknowledged himself (herself) to be CHIEF MANAGER of the HORIZON HOLDING COMPANY LLC the within named bargainer, and that he (she) executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and affixed my notarial seal at my office in Memphis, this 30th day of OCTOBER, 2006.

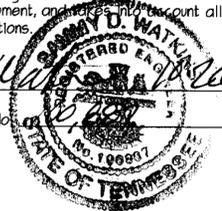
Notary Public [Signature]
My Commission Expires NOV 01 2008



ENGINEER'S CERTIFICATE

It is hereby certified that this plat is true and correct, is in conformance with the design requirements of the Zoning Ordinance, the Subdivision Regulations and the specific conditions imposed on this development, and that it takes into account all applicable federal, state and local building laws and regulations.

By: [Signature]
Tennessee Certificate No. 06177206



06177206
10/30/2006 11:35 AM
PLAT BOOK : 229
PAGE : 39
RECORDING FEE 15.00
OF FEE 2.00
TOTAL AMOUNT 17.00
TOM LEATHERWOOD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

The Reaves Firm INCORPORATED
Planning Engineering Landscape Architecture Land Surveying
5118 Park Avenue, Suite 400 Memphis, TN 38117
Phone: 901.763.2016 Fax: 901.763.2047
www.ReavesFirm.com

OUTLINE PLAN P.D. 06-313
LAMAR CROSSING P.D.
OWNER: HORIZON HOLDING COMPANY, LLC
DEVELOPER: LAMAR CROSSING DEVELOPMENT LLC
13.5 ACRES ON LAMAR AVENUE
MEMPHIS, TENNESSEE
OCTOBER, 2006
SHEET 4 OF 4

K:\D:\2006\06\06\06 Lamar and Ddm\Outline-1014.dwg



Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

20026259

03/11/2020 - 09:30:30 AM

3 PGS

LACY 1992319-20026259

VALUE	140000.00
MORTGAGE TAX	0.00
TRANSFER TAX	518.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	538.00

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

PREPARED BY: Home Surety Title & Escrow, LLC, 5583 Murray Road, Suite 120, Memphis, TN 38119, (901) 737-2100, File No.: 201281

WARRANTY DEED

THIS INDENTURE, made and entered as of this the 28th day of February, 2020 by and between:

Sherman Cole and Thomas L. Cole, an undivided 1/2 interest each as tenants in common, party of the first part, and Lamar Inc., a Tennessee corporation, party of the second part,

For and in consideration of One Hundred Forty Thousand and 00/100 Dollars (\$140,000.00), cash in hand paid by the party of the second part, hereinafter called GRANTEES, and other good and valuable considerations, the receipt of which is hereby acknowledged, the party of the first part, hereinafter called the GRANTORS, have bargained and sold, and by these presents do transfer and convey unto the GRANTEES, their heirs and assigns, a certain tract or parcel of land of Shelby County State of Tennessee, described as follows, to-wit:

COMMENCING AT A SET 1/2" REBAR (WITH ID CAP STAMPED "REAVES FIRM" AND TYPICAL OF ALL REBAR REFERRED TO HEREIN AS SET) AT INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF DUNN AVENUE (50' PUBLIC R.O.W.) AND LAMAR AVENUE (US HIGHWAY 78) (92' PUBLIC R.O.W); THENCE WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 12,251.26 FEET AND AN ARC LENGTH OF 302.00 FEET (CHORD S36 DEGREES 49'04" E - 301.99 FEET) TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 12,251.26 FEET AND AN ARC LENGTH OF 332.47 FEET (CHORD S35 DEGREES 20'03"E - 332.46 FEET) TO A FOUND CHISEL MARK AT THE NORTHEAST CORNER OF THE JAMES E. AND MARTHA HOWARD PROPERTY (INSTRUMENT NUMBER T9-1366); THENCE WITH THE NORTH LINE OF SAID HOWARD PROPERTY, S74 DEGREES 46'31" W A DISTANCE OF 118.65 FEET TO A FOUND IRON PIN; THENCE WITH THE WEST LINE OF SAID HOWARD PROPERTY, S34 DEGREES 32'29" E A DISTANCE OF 120.75 FEET TO A SET 1/2" REBAR IN THE NORTH LINE OF THE SHERMAN E. AND WILLIE JOE COLE PROPERTY (INSTRUMENT NUMBER JZ-7035); THENCE WITH THE NORTH LINE OF SAID COLE PROPERTY AND THE NORTH LINE OF SECTION "B" OF FAIRLAWN SUBDIVISION (PLAT BOOK 17, PAGE 15) S89 DEGREES 33'30"W A DISTANCE OF 271.10 FEET TO A POINT; THENCE N 0 DEGREES 27'31"W LEAVING SAID NORTH LINE A DISTANCE OF 212.59 FEET TO A POINT; THENCE N36 DEGREES 06'42"W A DISTANCE OF 80.00 FEET TO A POINT ON THE SOUTH LINE OF THE ALDI INC. (TENNESSEE) PROPERTY (INSTRUMENT 06177789); THENCE N53 DEGREES 53'18"E ALONG SAID SOUTH LINE A DISTANCE OF 215.00 FEET TO THE POINT OF BEGINNING,

Being the same property conveyed to Sherman Cole and Thomas L Cole, an undivided one half interest each as tenants in common herein by Warranty Deed filed for record November 20, 2014 at Instrument Number 14118269 as shown in the Register's Office of Shelby County, Tennessee.

This conveyance is made subject to:

2020 City of Memphis and 2020 Shelby County taxes, liens, not yet due and payable.

Subdivision Restrictions, Building Lines and Easements of record recorded at Plat Book 229, Page 39; Plat Book 233, Page 24; Plat Book 234, Page 32; and Plat Book 260, Page 38 as shown in the Register's Office of Shelby County, Tennessee.

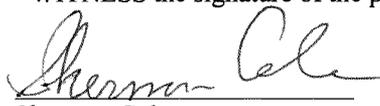
Easements recorded at Instruments E6 6980, T2 1290, 07010137, 12057432 and 15024820; and Book 2031, Page 191; Book 3027, Page 37; Book 3783, Page 633; Book 3799, Page 592; Book 3799, Page 594; and Book 5084, Page 100 as shown in the Register's Office of Shelby County, Tennessee.

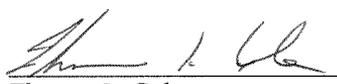
Outline Plan of record recorded at Plat Book 229, Page 39; Plat Book 233, Page 34; Plat Book 234, Page 32; and Plat Book 260, Page 38 as shown in the Register's Office of Shelby County, Tennessee.

This document was prepared from information furnished by the parties herein for which the preparer assumes no responsibility.

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEES, their heirs and assigns forever; and we do covenant with the said GRANTEES that we are lawfully seized and possessed of said land in fee simple, have a good right to convey it and the same is unencumbered, unless otherwise herein set out; and we do further covenant and bind ourselves, our heirs and representatives, to warrant and forever defend the title to the said land to the said GRANTEES, their heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS the signature of the party of the first part the day and year first above written.


Sherman Cole


Thomas L. Cole

20-00073

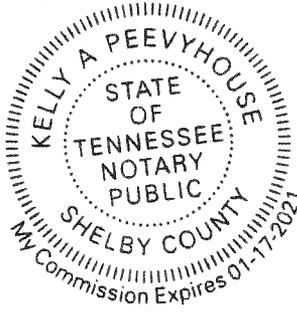
State of Tennessee

County of Shelby

Personally appeared before me, the undersigned Notary Public in and for said State and County, Sherman Cole and Thomas L. Cole, the within bargainer(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person(s) executed the within instrument for the purposes therein contained.

WITNESS my hand and seal this 28th day of February, 2020.

Kelly A. Peevyhouse
Notary Public
My Commission Expires:



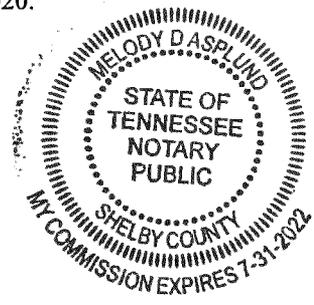
State of: Tennessee
County of: Shelby

I, or we, hereby swear or affirm that, to the best of Affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$140,000.00, which amount is equal to or greater than the amount which the property would command at a fair and voluntary sale.

Debra L. Keen
Affiant

Subscribed and sworn to before me this the 3 day of March ~~February~~ 2020.

Melody Dasplund
Notary Public
My Commission Expires:



Property Owner & Address:
& Mail Tax Bills To:
Lamar Inc.
837 Avenue Z
Brooklyn, NY 11235

Tax ID No.: 059021 00051
Property Address
0 Lamar Ave. AKA 2899 Lamar
Memphis, TN 38114

After recording, return to:

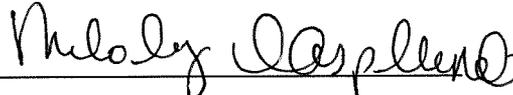
I, J. Seth Waddell, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.



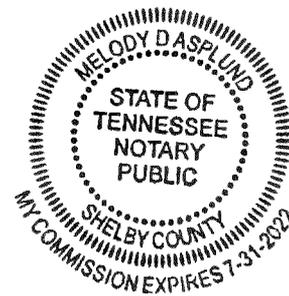
J. Seth Waddell

State of Tennessee
County of Shelby

Personally appeared before me, Melody D. Asplund, a notary public for this county and state, J. Seth Waddell, who acknowledges that this certification of an electronic document is true and correct, and whose signature I have witnessed.



Notary's Signature



GARCIA JOSE A
2903 MONTAGUE AVE #
MEMPHIS TN 38114

THOMAS JUANDA J
2821 REDBUD CL #
MEMPHIS TN 38114

SHELBY COUNTY TAX SALE 17.02
PO BOX 2751 #
MEMPHIS TN 38101

ROBINSON LINDA
2832 N REDBUD CIR #
MEMPHIS TN 38114

MYERS MATTIE
5075 ROYSTON LN #
MEMPHIS TN 38125

JAMERSON CLARA
2854 FLORA AVE #
MEMPHIS TN 38114

WILLIAMS JANICE
2826 N REDBUD CIR #
MEMPHIS TN 38114

EVANS LILLIE G
2833 REDBUD CL #
MEMPHIS TN 38114

PAYNE HORTON R & FLORA E
2718 KIMBALL AVE #
MEMPHIS TN 38114

WHITE GWENDOLYN Y
2820 N REDBUD CIR #
MEMPHIS TN 38114

FUNDERBURG WILLIAM B & ZOLA C
2839 REDBUD CL #
MEMPHIS TN 38114

TAO JENKANG
22 CHESTNUT PL #
BROOKLINE MA 2445

HANEY JAMES C
3617 PHILSDALE AVE #
MEMPHIS TN 38111

CLARK AND LANGE LLC
4745 POPLAR AVE #
MEMPHIS TN 38117

HIATT HAROLD AND TAMMY HIATT
385 KNOCO CV #
EADS TN 38028

ALDI INC
PO BOX 460049 #
HOUSTON TX 77056

THOMAS WILLIE E AND MARY THOMAS (RS)
2851 N REDBUD CIR #
MEMPHIS TN 38114

HIATT HAROLD & TAMMY
385 KNOCO CV #
EADS TN 38028

LAMAR INC
837 AVENUE Z #
BROOKLYN NY 11235

MAYS JOHNNIE (LE) AND SHEILA MAYS AND
2857 N REDBUD CIR #
MEMPHIS TN 38114

BROAD ST LLC
2595 BROAD AVE #
MEMPHIS TN 38112

HEALTH EDUCATIONAL AND HOUSING FACILITY
65 UNION AVE #
MEMPHIS TN 38103

WILLIAMS EVERLINA
2865 REDBUD CIR #
MEMPHIS TN 38114

REALTY INCOME PROPERTIES 30 LLC
11995 EL CAMINO REAL #
SAN DIEGO CA 92130

PRUITT DORIS H
2067 REDBUD CIR #
MEMPHIS TN 38114

MEMPHIS CITY OF L G & W
220 S MAIN ST #
MEMPHIS TN 38103

MOSS HERBERT W & PATRICIA T
2073 REDBUD ST #
MEMPHIS TN 38114

**MEMPHIS AND
SHELBY COUNTY**  **DIVISION OF PLANNING
AND DEVELOPMENT**

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

June 13, 2024

Delinor Smith, Smith Building Design

Sent via electronic mail to: dsmith920@comcast.net

Lamar Crossing Planned Development Amendment – Self Storage

Case Number: PD 2024-004

LUCB Recommendation: Rejection

Dear applicant,

On Thursday, June 13, 2024, the Memphis and Shelby County Land Use Control Board recommended **rejection** of your planned development amendment application for the Lamar Crossing Planned Development.

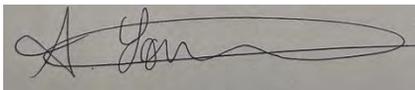
This application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

If you have questions regarding this matter, please feel free to contact me at (901) 636-7120 or via email at alexis.longstreet@memphistn.gov.

Respectfully,



Alexis Longstreet

Planner I

Land Use and Development Services

Division of Planning and Development

Letter to Applicant
PD 24-004

Cc:

File

Letter to Applicant

PD 24-004

Outline Plan Conditions – Revisions

Proposed language is indicated in **bold, underline**; deletions are indicated in ~~bold-strikethrough~~

Lamar Crossing Planned Development
P.D. 06-313
Outline Plan Conditions

I. Uses Permitted:

- A. Area 'A': A maximum of one-hundred twenty (120) multi-family apartment dwelling units, including clubhouse and playgrounds.
- B. Area 'B': Any use permitted by right or administrative site plan review in accordance with the Planned Commercial (C-P) District.
- C. **Area 'B-1': Any use permitted by right in accordance with Commercial Mixed Use – 2 (CMU-2) and the following use shall be permitted:**
 - a. **Mini storage**

~~D~~ **Area 'C': Church Parking Lot - A maximum of 182 parking spaces shall be permitted and designated Church Parking Only, or Open Space for the apartments shall be provided.**

II. Bulk Regulations:

- A. Area 'A': The bulk regulations of R-ML District zoning shall apply, except the maximum height of buildings shall be forty (40') feet. The opaque wall area of multi-family apartment buildings shall be eighty (80%) percent brick.
- B. Area 'B': The bulk regulations of C-P District zoning shall apply, except the maximum allowable building area shall not exceed 35,000 square feet.
- C. Area 'C': Parking shall be in accordance with the Parking (P) District, including landscape islands with one (1) tree for every twenty (20) parking spaces.
- D. **Area 'B-1': The bulk regulations of the CMU-2 District shall apply.**

Letter to Applicant
PD 24-004

III. Access, Circulation and Parking:

- A. Dedicate thirty-four (34) feet from the centerline of Dunn Avenue for a distance of 175 feet west and improve in accordance with Subdivision Regulations to provide a left-turn stacking lane 125 feet in length, including a transition land a distance of fifty (50') feet.
- B. Dedicate a thirty (30') foot property line radius at the intersection of Dunn Avenue and Lamar Avenue (U.S. 78) and improve in accordance with Subdivision Regulations.
- C. The following curb-cuts shall be permitted subject to review and approval by the City Engineer.
 - 1. One (1) curb-cut shall be permitted on Lamar Avenue (U.S. 78).
 - 2. Two (2) curb-cuts shall be permitted on Dunn Avenue.
- D. All private and rear service drives shall be constructed to meet pavement requirements of the Subdivision Regulations, applicable City Standards, and provide a minimum width of twenty-two (22') feet, exclusive of curb and gutter.
- E. Any existing non-conforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- F. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

IV. Landscaping:

- A. A Plate 'A-3' landscape screen shall be provided and installed along Lamar Avenue (U.S. 78), including a landscaped entryway feature subject to review and approval by the Office of Planning and Development.
- B. A Plate 'A-4' (modified) landscape screen shall be provided and installed along Dunn Avenue, including a landscaped entryway feature subject to review and approval by the Office of Planning and Development. The landscape screen shall be illustrated on the Concept/Landscape Plan.
- C. A landscape screen shall be provided and installed along the west property line of Area 'A.' The landscape screen shall be illustrated on the Concept/Landscape Plan.
- D. A Plate 'B-4'(modified) landscape screen shall be provided and installed along the south property line and shall include a sight-proof wood fence eight (8') feet in height. The landscape screen shall be as illustrated on the Concept/Landscape Plan.
- E. Internal landscaping will be provided at a ration of 300 square feet of landscaped area and one (1) shade tree per every twenty (20) parking spaces.
- F. Commercial developments shall provide perimeter landscaping and landscaping flowering beds as illustrated on the Concept/Landscape Plan.
- G. Equivalent landscaping may be substituted for that required above, subject to review and approval by the Office of Planning and Development.
- H. Refuse containers shall be completely screened from view from adjacent properties and the public roadways.

Letter to Applicant
PD 24-004

V. Signs:

- A. Area 'A': Signs shall be in accordance with the requirements of R-ML District zoning for the multi-family apartments.
- B. Area 'B': Signs shall be in accordance with the requirements of Planned Commercial (C-P) District zoning for retail commercial land uses.
- C. Area 'C': Signs shall be in accordance with the requirements of R-56 District zoning for church parking.
- D. Areas 'A, B, & C': Portable and temporary signs shall not be permitted. No outdoor, off-premise advertising signs shall be permitted.

VI. Drainage:

- A. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision Contract in accordance with Subdivision Regulation and the City of Memphis Drainage Design Manual.
- B. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
- C. Design of the storm water conveyance and management facilities for this project shall be in accordance with the City of Memphis Drainage Design Manual. The manual requires on-site detention of storm water run-off generated from this project which exceeds the capacity of the down stream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's office.
- D. All drainage plans shall be submitted to the City Engineer for review.
- E. All drainage emanating on-site shall be private, easements shall not be accepted.

VII. Design and Other:

- A. The approved Concept/Landscape Plan shall be included and recorded with the Outline Plan.
- B. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site design requirements if equivalent alternatives are presented; however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may within ten (10) days of such action, file a written appeal to the Director of the Office of Planning and Development to have such action reviewed by the Memphis City Council.

Letter to Applicant
PD 24-004

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The Land Use Control Board may grant extensions at the request of the applicant.

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- F. A statement conveying all common facilities and areas to a Property Owner's Association, or other entity, for ownership and maintenance purposes.
- G. The one-hundred (100) year flood elevation.
- H. The location, diameter and species name of all existing trees over eight (8) inches in diameter and differentiation between those trees to be preserved and those to be removed.
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Memphis City Council Summary Sheet

PD 2024-005

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AMENDMENT AT THE SUBJECT PROPERTY LOCATED 3086 COSCIA STREET, KNOWN AS CASE NUMBER PD 2024-005

- This item is a resolution with conditions to allow the expansion of the existing Frayser Recycling Center, a construction and demolition debris landfill.
- In the graphic below, the existing landfill operation is labeled “1”. The area to which the applicant is now requesting permission to expand is outlined in red and labeled “2”. Also labeled is nearby Whitney Elementary School.
- Both Division of Planning and Development staff and the Land Use Control Board recommend **rejection** of this item.
- The item may require future public improvement contracts.



LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, August 8, 2024**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: PD 2024-005

DEVELOPMENT: Frayser Business Center Planned Development, Second Amendment

LOCATION: 3086 Coscia St.

COUNCIL DISTRICT(S): District 7 and Super District 8

OWNER/APPLICANT: Memphis Wrecking Co.

REPRESENTATIVE: Lew Wardlaw – Martin, Tate, Morrow & Marston, P.C.

REQUEST: Amendment to the Frayser Business Center PD to allow expansion of an existing construction debris landfill and recycling center

EXISTING ZONING: Residential Single-Family – 6 (R-6)

AREA: +/- 58.8 acres

The following spoke in support of the application: Carol Williamson, Lew Wardlaw

The following spoke in opposition the application: Rebecca Murray, Justin Pearson, Stephanie Low, Brian Blaugrund, James Itson, Darrell Scott, Freddi James, Sarah Houston, Jonathon Reid

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions.

The motion failed by a vote of 3-5-1 on the regular agenda.

Respectfully,



Nicholas Wardroup
Planner II
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

PD 2024-005

Conditions

Site Plan Conditions

1. The proposed southern lot labeled “Future Office/Commercial” shall be removed.
2. The proposed northern lot labeled “Future Office/Commercial” shall be labeled “Area A”.
3. The entire area devoted to the landfill use shall be combined into a single lot of record and labeled “Area B”

Outline Plan Conditions – Revisions

Proposed additional language is indicated in **bold** and *italic* print; deleted language is indicated in **bold** and ~~strike through~~.

I. Permitted Uses:

- A. ***In Area A:*** Any use permitted by right in the ~~C-H Highway Commercial~~ ***CMU-3 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:~~ ***In Area B:***

1. Class ~~IV~~ ***III*** Landfill subject to the conditions contained herein ***and relevant State regulation.***

2. Frayser entrance sign

C. Accessory uses shall be permitted according to the relevant provisions of the Unified Development Code unless modified by these conditions.

II. Bulk Regulations:

~~A. Minimum building setback from Thomas Street – 150 feet. Area A shall comply with the bulk regulations associated with the CMU-3 district.~~

~~B. Maximum height of buildings – 40 feet. Within Area B, all structures and landfill activity shall be setback at least 100' from all property lines. No landfill activity shall occur within 500' of any structure which was being put to residential or civic use as of August 1, 2024.~~

~~C. Minimum building setback from east property line – 100 feet. The final filled elevation of the landfill shall not exceed 90' in height.~~

~~D. Minimum building setbacks from south property line – 100 feet.~~

III. Access, Circulation and Parking:

A. **For landfill and recycling operations**, one curb cut shall be permitted on Thomas **Street and one exit on Stage Road** with the location as generally indicated on the Outline Plan. **No more than two curb cuts shall be permitted to serve Area A.**

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~~ **relevant provisions of the Unified Development Code.**

D. An exit/~~entrance~~ road via a north/south access easement to Stage Road shall be provided for the landfill use in this planned development. **A paved entrance road to Highway 51 shall be provided for landfill use in this planned development.**

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 Plan ~~1~~ including a four (4) foot high berm, and shall be irrigated, **as well as additional**

vegetation for screening purposes along the southerly boundary, northerly boundary (Whitney Avenue) and added vegetation along the easterly property line.

- D. The berm and landscaping along Thomas Street for the **landfill/recycling land use** shall be constructed and planted prior to any Class ~~IV~~ **III** filling on site.
 - E. A minimum **100-foot-wide** tree preservation area 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~~ **CMU-3 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 **Division of Planning and Development** ~~Office of Planning and Development~~ approval.
 - B.** Attached signage shall be in conformance with the ~~C-H Highway Commercial~~ **CMU-3** 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 onsite 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~~ III Landfill Requirements:

- A. The hours of operation shall be limited to ~~7 am to 5 pm~~ **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 ~~290-370'~~ 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 **open** fires shall be permitted.
- F. No vehicular egress from the site shall be permitted to 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. Security gates shall be provided at the ~~main~~ **landfill site** entrance **and exit** as shown on the Outline Plan and which shall remain locked at all times when ~~active operations are not taking place~~ **closed. Security cameras shall also be in place to monitor the property at all times.**
- 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 **which was being** used for residential **or civic** purposes **as of August 1, 2024**.
- 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 **within the landfill as regulated by the State of Tennessee**.
- O. Until the State of Tennessee has approved the closure of the landfill, no development shall be constructed on the **landfill/recycling** 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. The tree preservation area located in the ~~northern~~ **along the eastern** portion of the property as shown on the Outline Plan shall be a non-disturbed area, **with the exception of the removal of diseased or dead vegetation**.
- R. The **landfill** 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.
- S. Trained personnel shall always be present during **landfill** operation hours to operate the facility.
- T. ~~The~~ **landfill** facility shall be locked at all times outside of normal hours of operation and whenever trained personnel are not present on-site. **Security cameras shall be present on site as shall a mechanism by which gates can be monitored remotely**.
- U. ~~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 **Division of Planning and Development Office of**

Planning and 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.

V. The entrance drive shall be asphalted for approximately 100-feet from Thomas Street.

W. A gravel access road shall be provided from the asphalt entrance drive for approximately 500-feet.

X. An all-weather drive shall be provided from the gravel access road to the deposit area.

Y. A sprinkling system shall be provided on-site and utilized for dust control.

Z. Water and/or calcium shall be utilized for dust control.

AA. A truck wheel wash facility shall be provided on-site.

BB. Any windblown debris shall be collected daily and deposited in appropriate storage bins.

CC. *Except as modified by these conditions, the landfill facility shall comply with the standards of UDC Paragraph 2.6.4D(2).*

IX. 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 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. The recordation of a final plan for Area A shall require site plan review by the Land Use Control Board to be processed as a major modification.~~

B. Any Site Plan shall include the following information:

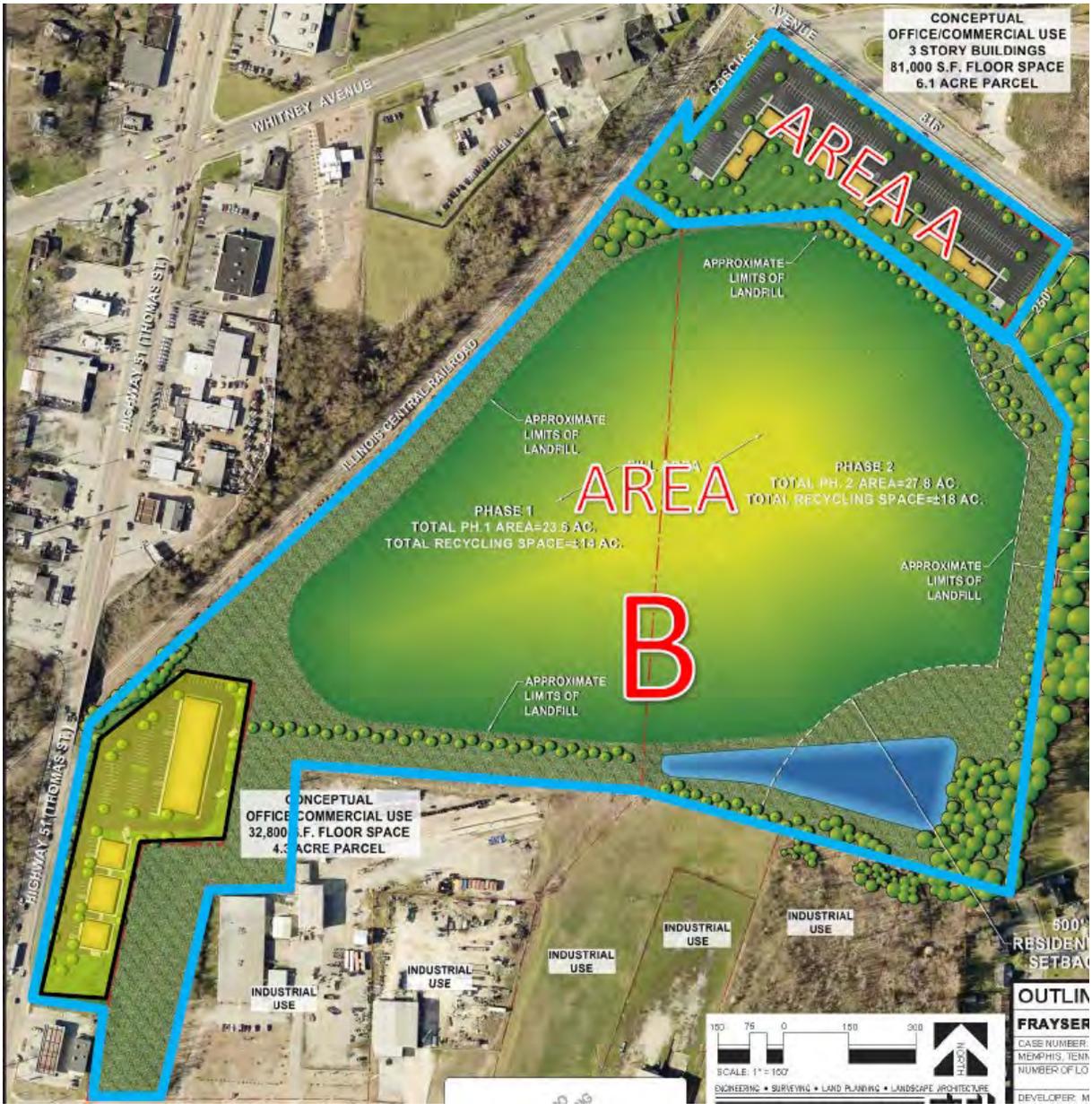
1. The location, dimensions, floor area and height of all buildings, structures, signs, lighting and parking areas.
2. Specific plans for internal and perimeter landscaping and screening including plant material names and sizes at time of installation.
3. Illustrations of the design, materials, and colors 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~~**100**-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.
- X. 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 **Division of Planning and Development** ~~Office of Planning and Development~~, to have such action reviewed by the legislative bodies.
- XI. 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.
- XII. Any final plan shall include the following:
- A. The Outline Plan conditions.
 - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions including height of all buildings or build-able 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.
 - D. The number of parking spaces.

- E. The location and ownership, whether public or private of any easement.
- F. The Floodway District boundary, the 100-year flood elevation and any wetlands.
- G. The following note shall be placed on the final plat of any development requiring onsite 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.

XIII. All acceptance of new landfill material shall cease no later than January 1, 2055. The Land Use Control Board may, at their discretion, grant a single extension to this date not to exceed five years as a major modification. Plans for reuse of Area B after landfill closure shall be reviewed by the Land Use Control Board as Major Modifications.

Concept Plan, as would be modified under site plan conditions



Site plan condition #1 would eliminate the highlighted (southern) commercial area.

RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AMENDMENT AT THE SUBJECT PROPERTY LOCATED 3086 COSCIA ST., KNOWN AS CASE NUMBER PD 2024-005

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and

WHEREAS, Memphis Wrecking Co. filed an application with the Memphis and Shelby County Division of Planning and Development to allow the expansion of an existing construction debris landfill and recycling center; and

WHEREAS, the existing landfill and recycling center are permitted under the conditions of the Frayser Business Center Planned Development, First Amendment, known as PD 10-312, itself an amendment of PD 07-310, approved by the Council on October 26, 2010, and June 19, 2007, respectively; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Memphis and Shelby County Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on August 8, 2024, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a the Frayser Business Center Planned Development, First Amendment is hereby amended in accordance with the attached concept plan and outline plan conditions.

BE IT FURTHER RESOLVED, that the requirements of said aforementioned clause of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind

the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

Site Plan Conditions

1. The proposed southern lot labeled “Future Office/Commercial” shall be removed.
2. The proposed northern lot labeled “Future Office/Commercial” shall be labeled “Area A”.
3. The entire area devoted to the landfill use shall be combined into a single lot of record and labeled “Area B”.

Outline Plan Condition Revisions

Proposed additional language is indicated in **bold** and *italic* print; deleted language is indicated in **bold** and ~~strike through~~.

I. Permitted Uses:

- A. ***In Area A:*** Any use permitted by right in the ~~C-H Highway Commercial~~ ***CMU-3 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:~~ ***In Area B:***

1. Class ~~IV~~ ***III*** Landfill subject to the conditions contained herein ***and relevant State regulation.***
2. Frayser entrance sign

- C. ***Accessory uses shall be permitted according to the relevant provisions of the Unified Development Code unless modified by these conditions.***

II. Bulk Regulations:

~~A. Minimum building setback from Thomas Street—150 feet. Area A shall comply with the bulk regulations associated with the CMU-3 district.~~

~~B. Maximum height of buildings—40 feet. Within Area B, all structures and landfill activity shall be setback at least 100' from all property lines. No landfill activity shall occur within 500' of any structure which was being put to residential or civic use as of August 1, 2024.~~

~~C. Minimum building setback from east property line—100 feet. The final filled elevation of the landfill shall not exceed 90' in height.~~

~~D. Minimum building setbacks from south property line—100 feet.~~

III. Access, Circulation and Parking:

A. *For landfill and recycling operations*, one curb cut shall be permitted on Thomas *Street and one exit on Stage Road* with the location as generally indicated on the Outline Plan. *No more than two curb cuts shall be permitted to serve Area A.*

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~~ *relevant provisions of the Unified Development Code.*

D. An exit/~~entrance~~ road via a north/south access easement to Stage Road shall be provided for the landfill use in this planned development. *A paved entrance road to Highway 51 shall be provided for landfill use in this planned development.*

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 Plan ~~4~~ including a four (4) foot high berm, and shall be irrigated, *as well as additional vegetation for screening purposes along the southerly boundary, northerly boundary (Whitney Avenue) and added vegetation along the easterly property line.*

D. The berm and landscaping along Thomas Street for the *landfill/recycling land use* shall be constructed and planted prior to any Class ~~IV~~ *III* filling on site.

E. A minimum *100-foot-wide* tree preservation area 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~~ **CMU-3 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 **Division of Planning and Development** ~~Office of Planning and Development~~ approval.

B. Attached signage shall be in conformance with the ~~C-H Highway Commercial~~ **CMU-3 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 onsite 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.

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A. The hours of operation shall be limited to ~~7 am to 5 pm~~ **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 ~~290-370~~' 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 *open* fires shall be permitted.
- F. No vehicular egress from the site shall be permitted to 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. Security gates shall be provided at the ~~main~~ *landfill site* entrance *and exit* as shown on the Outline Plan and which shall remain locked at all times when ~~active operations are not taking place~~ *closed. Security cameras shall also be in place to monitor the property at all times.*
- 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 *which was being* used for residential *or civic* purposes *as of August 1, 2024.*
- 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.
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- N. No tires ~~or shredded tires~~ shall be permitted *within the landfill as regulated by the State of Tennessee.*
- O. Until the State of Tennessee has approved the closure of the landfill, no development shall be constructed on the *landfill/recycling* 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. The tree preservation area located in the **northern along the eastern** portion of the property as shown on the Outline Plan shall be a non-disturbed area, *with the exception of the removal of diseased or dead vegetation*.
- R. The *landfill* 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.
- S. Trained personnel shall always be present during *landfill* operation hours to operate the facility.
- T. ~~The~~ *landfill* facility shall be locked at all times outside of normal hours of operation and whenever trained personnel are not present on-site. *Security cameras shall be present on site as shall a mechanism by which gates can be monitored remotely*.
- U. ~~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 *Division of Planning and Development Office of Planning and 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.
- V. The entrance drive shall be asphalted for approximately 100-feet from Thomas Street.
- W. A gravel access road shall be provided from the asphalt entrance drive for approximately 500-feet.
- X. An all-weather drive shall be provided from the gravel access road to the deposit area.
- Y. A sprinkling system shall be provided on-site and utilized for dust control.
- Z. Water and/or calcium shall be utilized for dust control.
- AA. A truck wheel wash facility shall be provided on-site.
- BB. Any windblown debris shall be collected daily and deposited in appropriate storage bins.
- CC. *Except as modified by these conditions, the landfill facility shall comply with the standards of UDC Paragraph 2.6.4D(2).*

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- A. ~~A Site Plan shall be submitted for the review and comment of the Office of Planning and Development 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. The recordation of a final plan for Area A shall require site plan review by the Land Use Control Board to be processed as a major modification.~~

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~~**100**-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.

X. 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 **Division of Planning and Development** ~~Office of Planning and Development~~, to have such action reviewed by the legislative bodies.

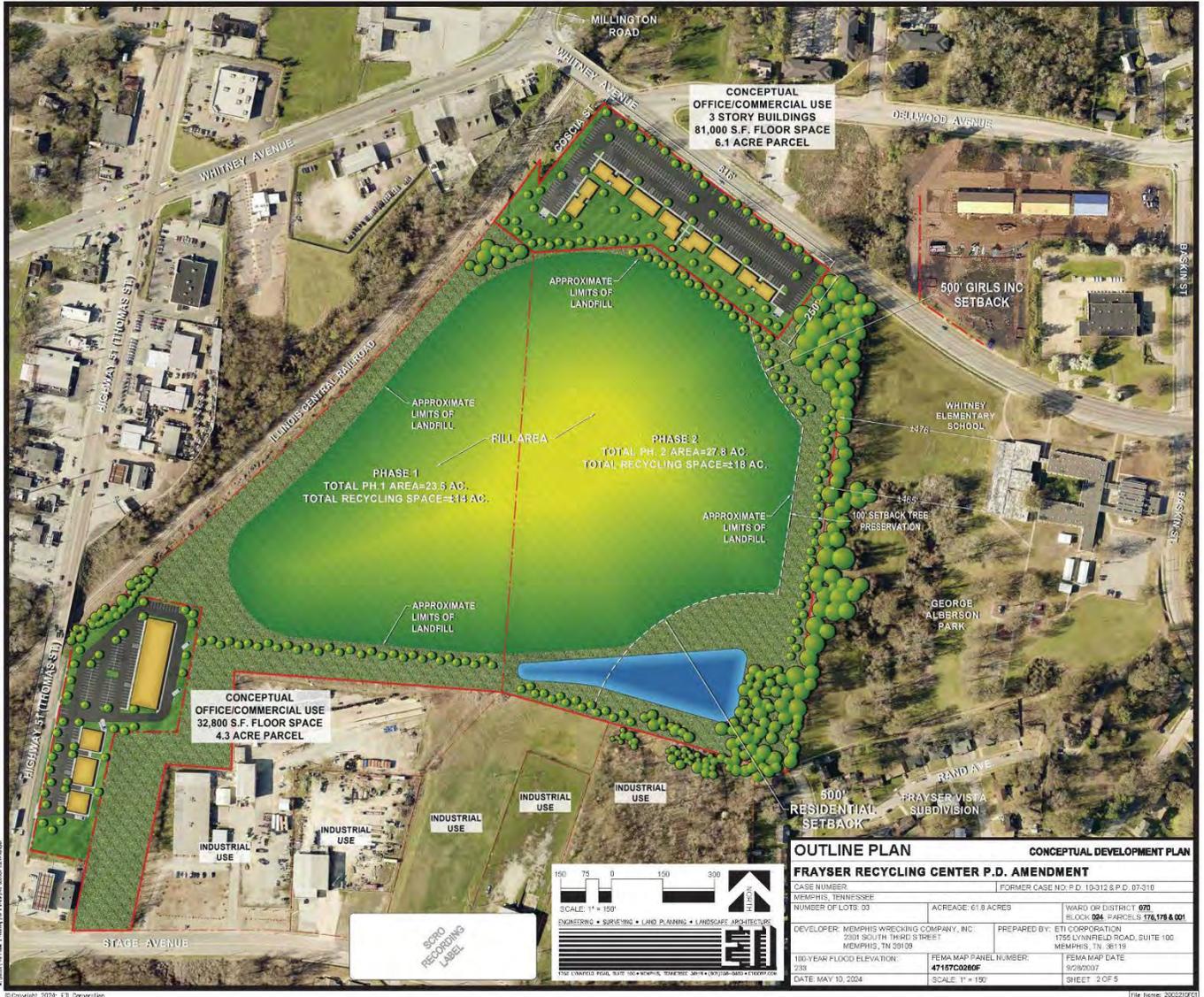
XI. A Final Plat shall be recorded within five years of the date that this application shall have been approved by the appropriate legislative body(s). The Land Use Control Board may grant time extensions after filing a correspondence application with notice to abutting property owners and the associations identified in VIII above.

XII. Any final plan shall include the following:

- A. The Outline Plan conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions including height of all buildings or build-able 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.
- D. The number of parking spaces.
- E. The location and ownership, whether public or private of any easement.
- F. The Floodway District boundary, the 100-year flood elevation and any wetlands.
- G. The following note shall be placed on the final plat of any development requiring onsite 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.

XIII. All acceptance of new landfill material shall cease no later than January 1, 2055. The Land Use Control Board may, at their discretion, grant a single extension to this date not to exceed five years as a major modification. Plans for reuse of Area B after landfill closure shall be reviewed by the Land Use Control Board as Major Modifications.

CONCEPT PLAN – ORIGINAL

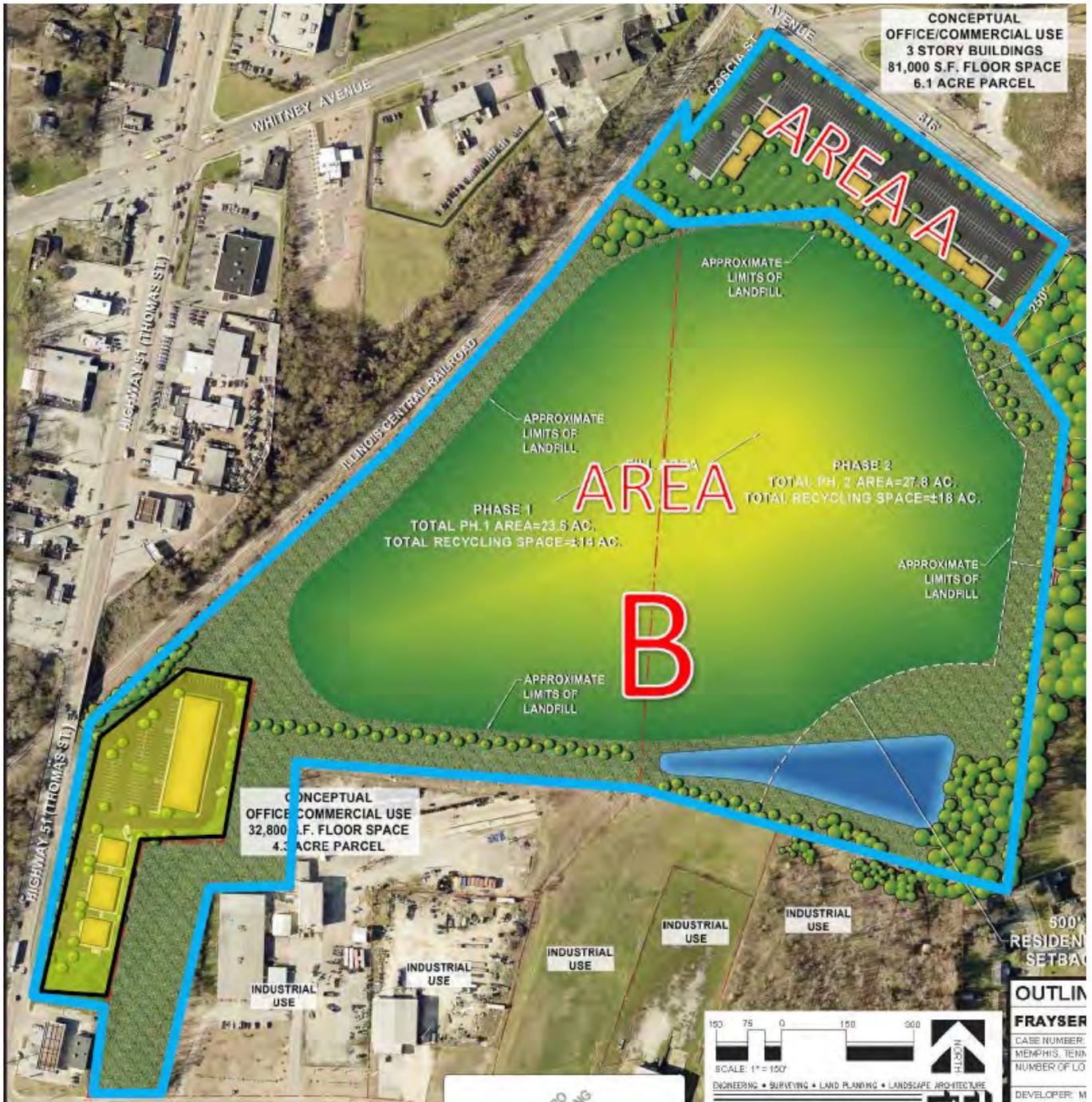


OUTLINE PLAN		CONCEPTUAL DEVELOPMENT PLAN	
FRAYSER RECYCLING CENTER P.D. AMENDMENT			
CASE NUMBER:	MEMPHIS, TENNESSEE:	FORMER CASE NO: P.D. 10-312 & P.D. 07-310	
NUMBER OF LOTS: 33	ACREAGE: 61.8 ACRES	WARD OR DISTRICT: 020	
		BLOCK: 004	PARCELS: 176, 178 & 001
DEVELOPER: MEMPHIS WRECKING COMPANY, INC. 2001 SOUTH WARD STREET MEMPHIS, TN 38109	PREPARED BY: ETI CORPORATION 1752 LYNNFIELD ROAD, SUITE 100 MEMPHIS, TN 38119		
100-YEAR FLOOD ELEVATION: 239	FEMA MAP PANEL NUMBER: 47167C0200P	FEMA MAP DATE: 9/2/2007	
DATE: MAY 10, 2004	SCALE: 1" = 150'	SHEET: 3 OF 5	

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Use Item: 3002020P

CONCEPT PLAN – AS MODIFIED BY SITE PLAN CONDITIONS



Highlighted (southern) commercial area to be removed pursuant to site plan condition #1

ATTEST:

**CC: Division of Planning and Development
– Land Use and Development Services
– Office of Construction Enforcement**

AGENDA ITEM: 2 **L.U.C.B. MEETING:** August 8, 2024

CASE NUMBER: PD 2024-005

DEVELOPMENT: Frayser Recycling Center P.D.

LOCATION: 3086 Coscia Street

COUNCIL DISTRICT: District 7 and Super District 8

OWNER/APPLICANT: Dorothy L Coscia (LE) AND Steven L Williamson & Carol E (REM)/ETI CORPORATION

REPRESENTATIVE: Martin, Tate, Morrow & Marston, P.C.

REQUEST: Amendment to the Frayser Business Center PD to allow expansion of an existing construction debris landfill and recycling center

EXISTING ZONING: Residential Single Family – 6 (R-6)

CONCLUSIONS

1. This request is not consistent with the Memphis 3.0 Comprehensive Plan, see pages 29-31. Its approval would undermine efforts to achieve the stated action to “promote pedestrian-oriented infill development at and around Frayser Plaza” (p. 285).
2. No changes have since occurred in the vicinity which would undermine the findings the Council made in its rejection of a similar item in 2018 (PD 2017-014). The major relevant policy change which has since occurred is the 2019 adoption of the Memphis 3.0 Comprehensive Plan, with which this request is not consistent.
3. Staff recognizes the public benefit of diverting construction debris from sanitary (Class I) landfills. However, that we recognize that Class III landfills are beneficial and necessary uses **generally** does not mean that the expansion of this site is a beneficial land use **at this location**.
4. The project will 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.

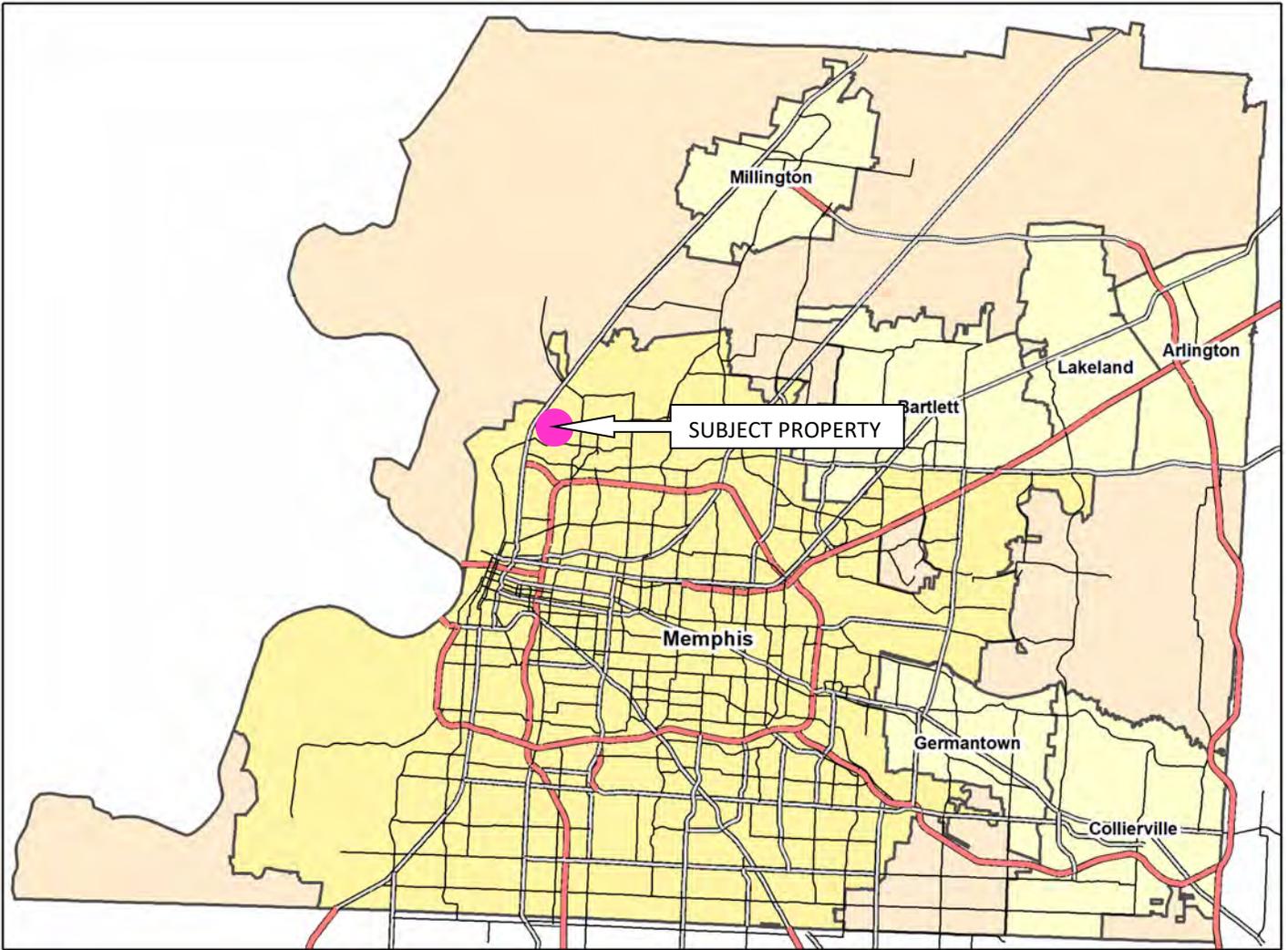
CONSISTENCY WITH MEMPHIS 3.0

This proposal **is not consistent** with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 29-31 of this report.

RECOMMENDATION:

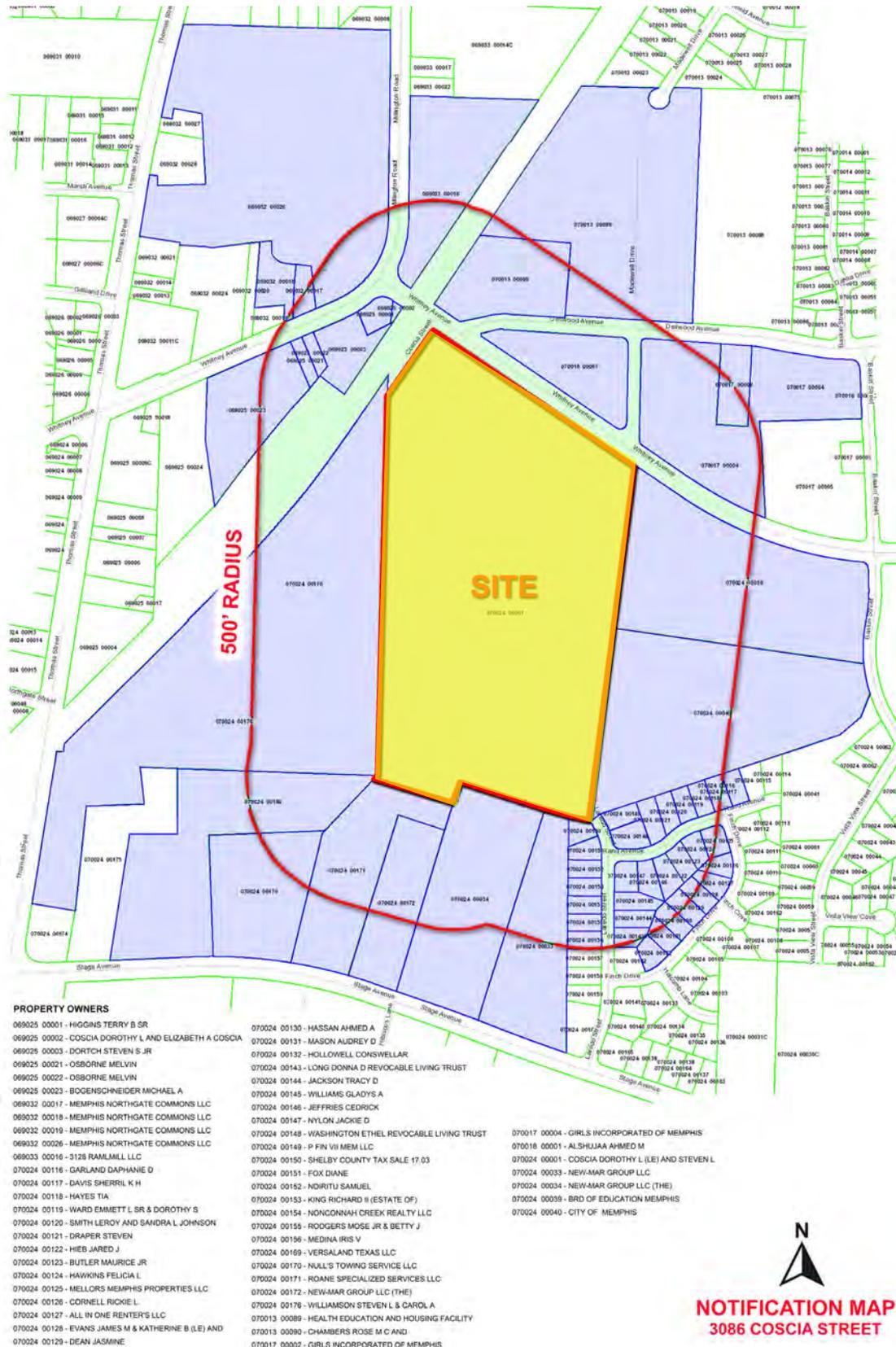
Rejection

LOCATION MAP



Subject property located within the pink circle

PUBLIC NOTICE VICINITY MAP



Subject property highlighted in yellow

PUBLIC NOTICE DETAILS

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signage posted. A total of 49 notices were mailed on May 17, 2024, see pgs. 34-35 of this report for a copy of said notice. Additionally, three signs were posted at the subject property, see the sign affidavit on page 36.

NEIGHBORHOOD MEETING

The meeting was held at 6:30 PM on Monday, June 3, 2024, at Impact Baptist Church, 2025 Clifton Avenue.

AERIAL



Subject property outlined in red. For the purpose of clarity, this staff report will refer to the existing landfill (western parcel) as “Parcel 1” and the proposed expansion area (the subject property) as “Parcel 2”. Staff additionally notes the location of nearby Whitney Elementary School.

ZONING MAP



Subject property outlined in red

SITE PHOTOS



View of the northeast side of the subject property looking southwest from Whitney Ave.



View of the north extreme of the subject property looking south from the intersection of Coscia St. and Whitney Ave.

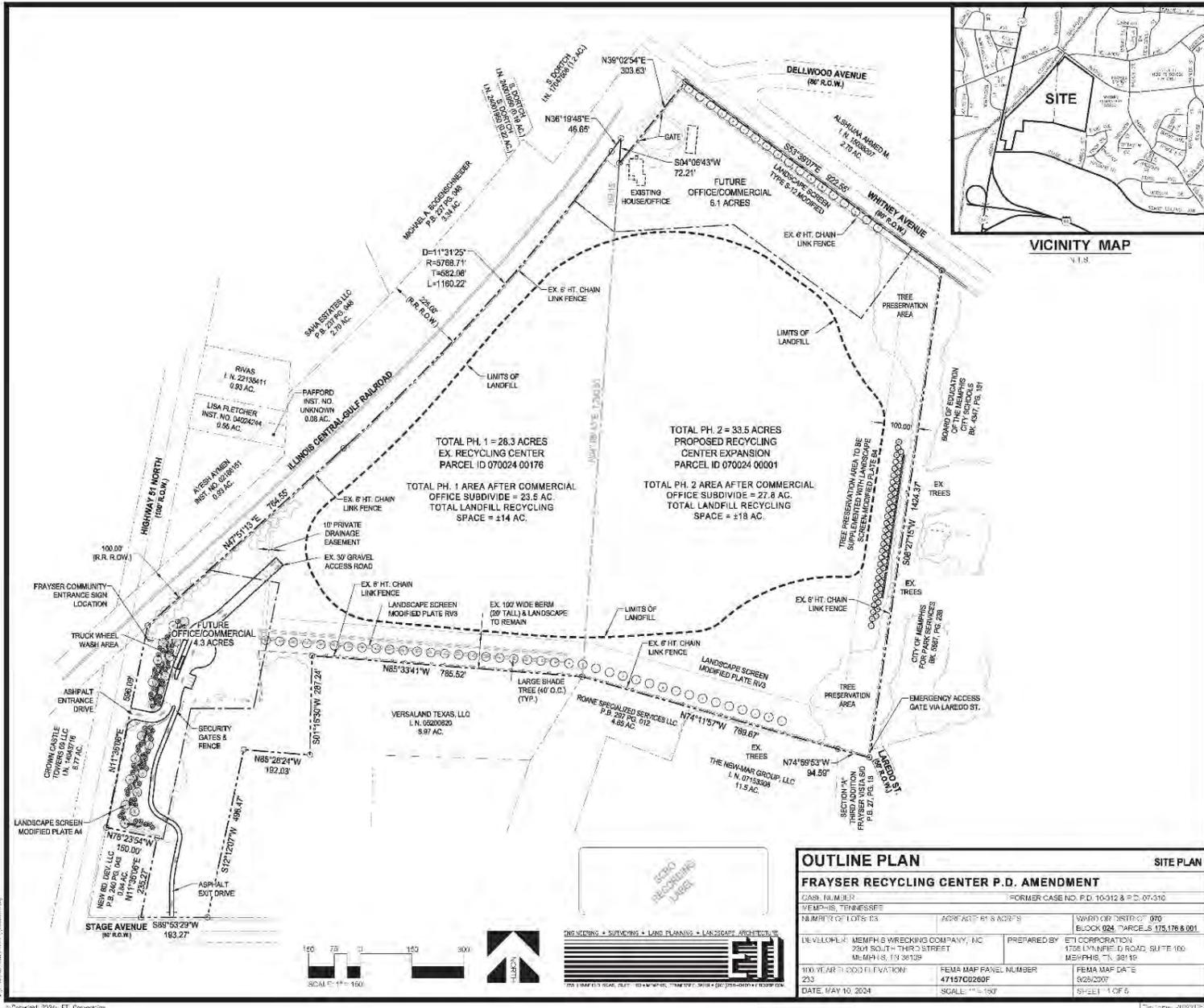


View of existing landfill entrance looking east from Thomas St.

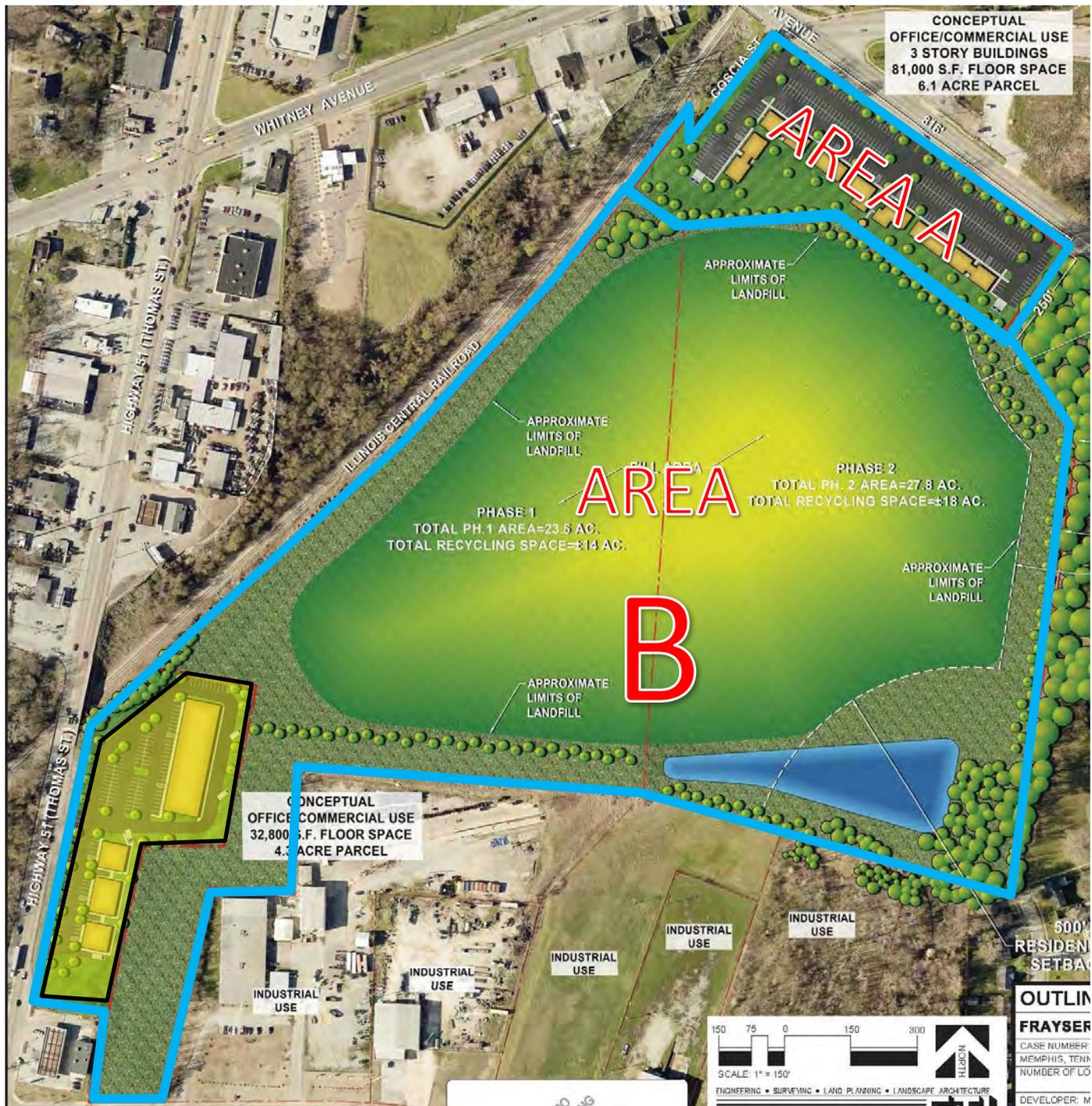


View of southeast corner of subject property looking northwest from Laredo St. (area marked as "tree preservation area" on outline plan).

OUTLINE PLAN

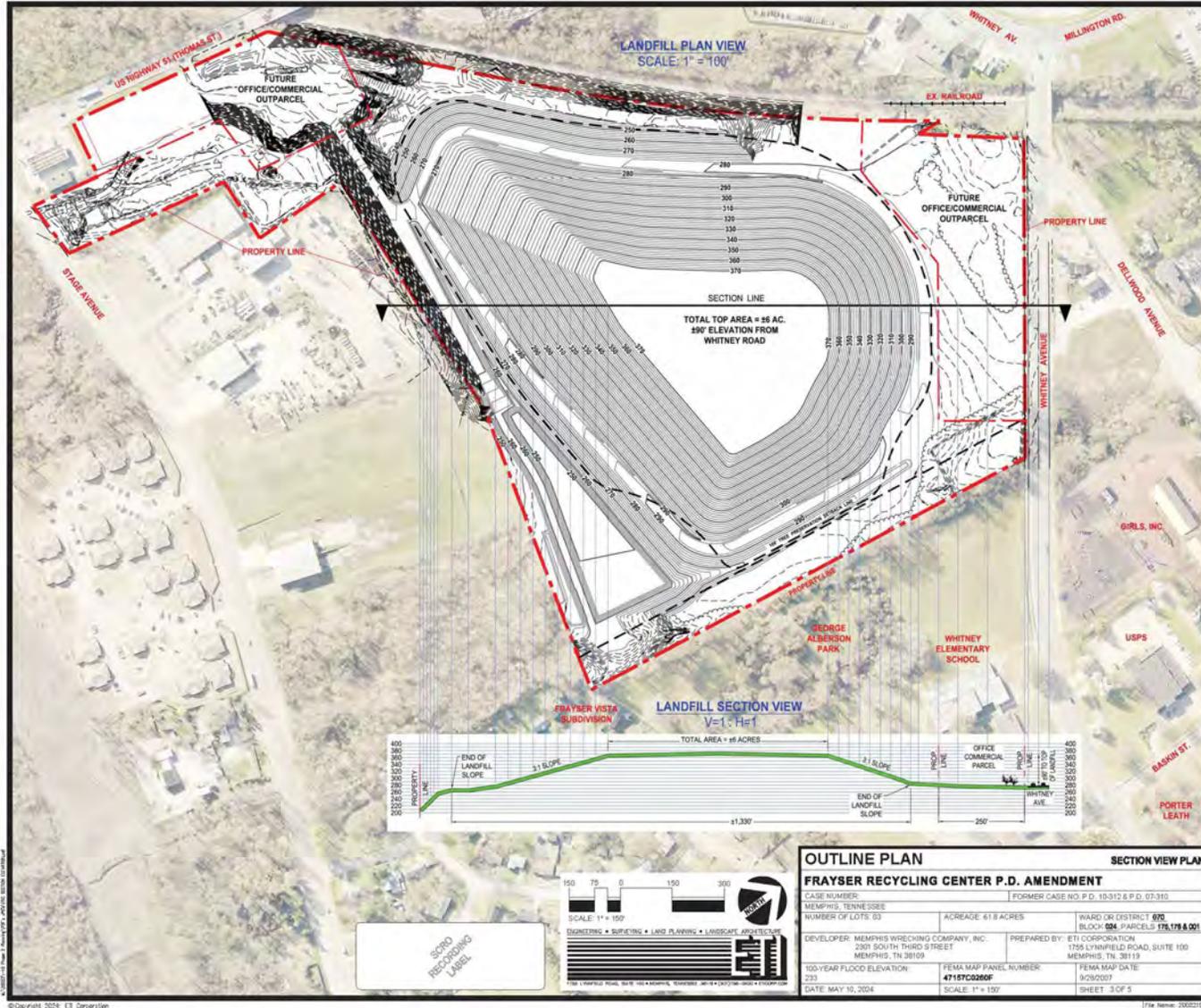


CONCEPT PLAN – MAGNIFIED



If approved, staff’s recommended conditions would refer to “Area A” and “Area B” as shown above. They would also eliminate the proposed southern commercial area (highlighted in yellow) as it is currently the site of ingress/egress for the existing landfill.

PROPOSED FILL COUNTOUR AFTER LANDFILL COMPLETION



In the graphic above, the numbers represent elevation from sea level, not from grade. The height at full capacity would be +/- 90' above the abutting section of Whitney Ave. Each contour line represents a 10' increase in elevation.

CASE REVIEW

Request

The request is an amendment of an existing planned development (PD 10-312) to allow the expansion of an associated Class III (Construction Debris) landfill.

Applicability

Staff **disagrees** the applicability standards and criteria as set out in Section 4.10.2 of the Unified Development Code are or will be met.

4.10.2 Applicability

The governing bodies may, upon proper application, grant a special use permit for a planned development (see Chapter 9.6) for a tract of any size within the City or for tracts of at least three acres in unincorporated Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from district requirements designed for conventional developments, and may establish standards and procedures for planned developments in order to obtain one or more of the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.*
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.*
- C. Functional and beneficial uses of open space areas.*
- D. Preservation of natural features of a development site.*
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.*
- F. Rational and economic development in relation to public services.*
- G. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.*
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.*
- I. Revitalization of established commercial centers of integrated design to order to encourage the rehabilitation of such centers in order to meet current market preferences.*
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.*
- K. Consistency with the Memphis 3.0 General Plan.*

General Provisions

Staff **disagrees** the general provisions standards and criteria as set out in Section 4.10.3 of the Unified Development Code are or will be met.

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in this Chapter.

- A. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding*

property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

- B. An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. Lots of record are created with the recording of a planned development final plan.*

Commercial or Industrial Criteria

Staff **disagrees** the additional planned commercial or industrial development criteria as set out in Section 4.10.5 of the Unified Development Code are or will be met.

4.10.5 Planned Commercial or Industrial Developments

Approval of a planned commercial or industrial development may be issued by the governing bodies for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels and similar facilities ordinarily accepted as commercial center uses and those industrial uses which can be reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria set forth in Section 4.10.3, planned commercial or industrial developments shall comply with the following standards:

- A. Screening*

When commercial or industrial structures or uses in a planned commercial or industrial development about a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.
- B. Display of Merchandise*

All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.
- C. Accessibility*

The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.
- D. Landscaping*

Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.

Approval Criteria

Staff **disagrees** the approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- A. 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.*
- B. 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.*
- C. 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.*
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to ensure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- H. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Site Details

Address:

3086 Coscia Street

Parcel IDs: 070024 00176 (existing landfill, governed by PD 10-312, "Parcel 1")
 070024 00001 (proposed expansion area, zoned R-6, "Parcel 2")

Area: +/-58.8 Acres (total)
 +/- 24.4 Acres (existing landfill, 070024 00176)
 +/- 34.4 Acres (proposed expansion area, 070024 00001)

The subject property consists of two parcels, one of which is home to an existing Class III (Construction and Demolition debris) landfill and another which is largely vacant but features two structures near its northern boundary (Whitney Avenue). An application filed in 2006 noted that this parcel had historically been used as a borrow pit from which earth is removed to be used for fill at another location.

Site Zoning History

Below is a timeline of relevant zoning requests since 2006:

- **December 2006:** An application is submitted to rezone the area currently operating as a landfill (Parcel 1) from what was then called the C-H (today CMU-3) and RS-6 (R-6) districts to I-L (EMP). It noted that the site had historically been used as a borrow pit but was not being used as such at that time. The application is withdrawn before LUCB action.
- **June 2007:** Memphis City Council approved the original Frayser Business Center PD (PD 07-310) to permit the landfill on Parcel 1 (its current footprint as of writing). Notably, this approval restricted the material accepted to that generated by demolition contracts with Memphis Wrecking Company.
- **July 2010:** The Land Use Control Board approved a correspondence item modifying the approved conditions to allow the acceptance of debris from the general public. However, this approval is appealed to the Council, which subsequently remanded it back to the LUCB.
- **November 2010:** After the previous correspondence item is converted to a PD amendment (PD 10-312), it is approved by City Council. After this point, the landfill can accept debris from the public. The plat recorded subsequent to this approval (Book 247, Page 34) is, as of writing, the plat of record for the site.
- **May 2015:** The first known application is filed to expand the landfill operation to Parcel 2 (PD 15-311). Staff expressed concern regarding the requested height increase (Condition VII.C). The application is withdrawn prior to LUCB action.
- **April 2016:** A second application is filed to expand the landfill operation (PD 16-07) but is also withdrawn prior to LUCB action.
- **January 2018:** City Council rejected the third application to expand the landfill operation (PD 17-14). The application received recommendations of rejection from both staff and the LUCB.
- **January 2023:** Five-year waiting period to refile expired. After the governing bodies vote to reject a planned development application, no “similar application” may be filed for five years, see Sub-Section 9.6.13A.
- **May 2024:** The subject application is filed.

Concept Plan Review

In addition to simply expanding the landfill operation to the neighboring parcel, the applicant intends to establish commercial uses along Thomas St. and Whitney Ave. However, as the southernmost of these intended commercial areas is currently the location of the landfill’s point of ingress/egress, it would not be able to be developed until the landfill’s closure. As such, staff only considers the proposed commercial area along Whitney Ave. to be part of the subject request.

Similarly, the applicants have shared a variety of concepts for reuse of the landfill site after its closure. Should the subject application be approved, staff recommends requiring that these plans receive separate approval closer to the date of that closure (see proposed Condition XIII, page 27)

Analysis

Firstly, as discussed on pages 29-31, staff finds this request to be **not consistent** with the Memphis 3.0 comprehensive plan. Of course, as state law requires that land use decisions be consistent with a comprehensive plan (if one is adopted), this alone is sufficient to recommend rejection of the request.

Additionally, the Council rejected a similar proposal in January 2018, prior to the adoption of Memphis 3.0 in 2019. Staff does not find that any changes have occurred in the vicinity in the period since January 2018 which

would undermine the Council’s findings in rejecting this item. On the contrary, the adoption of Memphis 3.0 (with which, again, this proposal is not consistent) further reinforces those findings. This site is adjacent to the Frayser Plaza anchor, which has a designated “Accelerate” degree of change. The approval of this request would substantially undermine efforts to achieve the listed action to “promote pedestrian-oriented infill development at and around Frayser Plaza” (pg. 285). It would do so both by rendering such development impossible on a large (approx. 28 acres) site as well as complicating the prospects for future development of nearby properties. We do not find that this request meets the criterion of Sub-Section 4.10.3A that it “not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.”

Staff would also like to note that Class III landfills are restricted to the EMP and IH districts and further restricted by Special Use review in those districts. Uses are designated as requiring special use review “because of increased potential for incompatibility with adjacent uses...” (Sub-Section 9.6.1A). This is to say that, even in districts which allow industrial uses by-right, the Code recognizes Class III landfills as having “increased potential for incompatibility.” We make note of this to clarify our finding of adverse effect on surrounding properties: it is not only an assessment of the subject request itself but also consistent with the general intent of the UDC in regulating the proposed use.

Finally, the applicant argues in their letter of intent that the request “addresses a regional need for enhanced construction/demolition waste handling capabilities.” Staff does not disagree and recognizes the fact that diversion of construction/demolition debris from sanitary landfills is a public benefit. However, that Class III landfills are a beneficial land use **generally** does not mean that one is a beneficial land use **at this location**. In this case, we find that the code as written is adequately regulating Class III landfills: permitting them in areas which permit other industrial uses.

The project will 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.

RECOMMENDATION:

Staff recommends rejection; however, if approved, staff recommends the following site plan conditions (below) and revisions to the outline plan conditions (next page). See Page 12 for a graphical representation of what these conditions refer to as “Area A” and “Area B”. Additionally, please note that rejection of this request would continue to allow the operation of the existing landfill under the conditions of PD 10-312.

Site Plan Conditions

1. The proposed southern lot labeled “Future Office/Commercial” shall be removed.
2. The proposed northern lot labeled “Future Office/Commercial” shall be labeled “Area A”.
3. The entire area devoted to the landfill use shall be combined into a single lot of record and labeled “Area B”

Outline Plan Conditions – Revisions

Proposed additional language is indicated in **bold** and *italic* print; deleted language is indicated in **bold** and ~~strike through~~.

I. Permitted Uses:

A. ***In Area A:*** Any use permitted by right in the ~~C-H Highway Commercial~~ ***CMU-3 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:~~ ***In Area B:***

1. Class ~~IV~~ ***III*** Landfill subject to the conditions contained herein ***and relevant State regulation.***
2. Frayser entrance sign

C. ***Accessory uses shall be permitted according to the relevant provisions of the Unified Development Code unless modified by these conditions.***

II. Bulk Regulations:

~~A. Minimum building setback from Thomas Street – 150 feet.~~ ***Area A shall comply with the bulk regulations associated with the CMU-3 district.***

~~B. Maximum height of buildings – 40 feet.~~ ***Within Area B, all structures and landfill activity shall be***

setback at least 100' from all property lines. No landfill activity shall occur within 500' of any structure which was being put to residential or civic use as of August 1, 2024.

~~C. Minimum building setback from east property line — 100 feet. The final filled elevation of the landfill shall not exceed 90' in height.~~

~~D. Minimum building setbacks from south property line — 100 feet.~~

III. Access, Circulation and Parking:

- A. ***For landfill and recycling operations***, one curb cut shall be permitted on Thomas ***Street and one exit on Stage Road*** with the location as generally indicated on the Outline Plan. ***No more than two curb cuts shall be permitted to serve Area A.***
- 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-relevant provisions of the Unified Development Code.***
- D. An exit/~~entrance~~ road via a north/south access easement to Stage Road shall be provided for the landfill use in this planned development. ***A paved entrance road to Highway 51 shall be provided for landfill use in this planned development.***

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 Plan ~~1~~ including a four (4) foot high berm, and shall be irrigated, ***as well as additional vegetation for screening purposes along the southerly boundary, northerly boundary (Whitney Avenue) and added vegetation along the easterly property line.***
- D. The berm and landscaping along Thomas Street for the ***landfill/recycling land use*** shall be constructed and planted prior to any Class ~~IV~~ ***III*** filling on site.
- E. A minimum ***100-foot-wide*** tree preservation area 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~~ **CMU-3 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 **Division of Planning and Development** ~~Office of Planning and Development~~ approval.

B. Attached signage shall be in conformance with the ~~C-H Highway Commercial~~ **CMU-3** 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 onsite 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~~ **III** Landfill Requirements:

A. The hours of operation shall be limited to ~~7 am to 5 pm~~ **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 ~~290-370'~~ 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 **open** fires shall be permitted.
- F. No vehicular egress from the site shall be permitted to 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. Security gates shall be provided at the ~~main landfill site~~ entrance **and exit** as shown on the Outline Plan and which shall remain locked at all times when ~~active operations are not taking place~~ **closed**. **Security cameras shall also be in place to monitor the property at all times.**
- 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 **which was being** used for residential **or civic** purposes **as of August 1, 2024**.
- 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 ***within the landfill as regulated by the State of Tennessee.***
- O. Until the State of Tennessee has approved the closure of the landfill, no development shall be constructed on the ***landfill/recycling*** 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. The tree preservation area located in the ~~northern~~ ***along the eastern*** portion of the property as shown on the Outline Plan shall be a non-disturbed area, ***with the exception of the removal of diseased or dead vegetation.***
- R. The ***landfill*** 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.
- S. Trained personnel shall always be present during ***landfill*** operation hours to operate the facility.
- T. ~~The~~ ***landfill*** facility shall be locked at all times outside of normal hours of operation and whenever trained personnel are not present on-site. ***Security cameras shall be present on site as shall a mechanism by which gates can be monitored remotely.***
- U. ~~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 ***Division of Planning and Development*** ~~Office of Planning and 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.
- V. The entrance drive shall be asphalted for approximately 100-feet from Thomas Street.
- W. A gravel access road shall be provided from the asphalt entrance drive for approximately 500-feet.
- X. An all-weather drive shall be provided from the gravel access road to the deposit area.
- Y. A sprinkling system shall be provided on-site and utilized for dust control.
- Z. Water and/or calcium shall be utilized for dust control.
- AA. A truck wheel wash facility shall be provided on-site.
- BB. Any windblown debris shall be collected daily and deposited in appropriate storage bins.

CC. *Except as modified by these conditions, the landfill facility shall comply with the standards of UDC Paragraph 2.6.4D(2).*

IX. 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 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. The recordation of a final plan for Area A shall require site plan review by the Land Use Control Board to be processed as a major modification.~~

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~~**100**-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.

- X. 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 ***Division of Planning and Development*** ~~Office of Planning and Development~~, to have such action reviewed by the legislative bodies.

- XI. 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.

- XII. Any final plan shall include the following:
 - A. The Outline Plan conditions.
 - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions including height of all buildings or build-able 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.
 - D. The number of parking spaces.
 - E. The location and ownership, whether public or private of any easement.
 - F. The Floodway District boundary, the 100-year flood elevation and any wetlands.
 - G. The following note shall be placed on the final plat of any development requiring onsite 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.

- XIII. All acceptance of new landfill material shall cease no later than January 1, 2055. The Land Use Control Board may, at their discretion, grant a single extension to this date not to exceed five years as a major modification. Plans for reuse of Area B after landfill closure shall be reviewed by the Land Use Control Board as Major Modifications.***

DEPARTMENTAL COMMENTS

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

- | | |
|---|---------------------------------------|
| City Engineering: | See next page. |
| City/County Fire Division: | No comments received. |
| City Real Estate: | No comments received. |
| County Health Department: | No comments received. |
| Memphis-Shelby County Schools: | See attached School Board resolution. |
| Construction Code Enforcement: | No comments received. |
| Memphis Light, Gas and Water: | No comments received. |
| Office of Comprehensive Planning: | See pages 29-31. |
| Office of Sustainability and Resilience: | See pages 33-34. |

CITY ENGINEERING COMMENTS

1. Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available to serve this development.

Roads:

3. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
4. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

Traffic Control Provisions:

5. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
6. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
7. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

8. The City Engineer shall approve the design, number, and location of curb cuts.
9. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter, and sidewalk.
10. Will require engineering ASPR.

Drainage:

11. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
12. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
13. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
14. 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 and/or County Engineer. 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 and/or 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.
15. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: PD 2024-005: Frayser

Site Address/Location: 3086 COSCIA ST

Overlay District/Historic District/Flood Zone: Not in any Overlay District, Historic District or Flood Zone

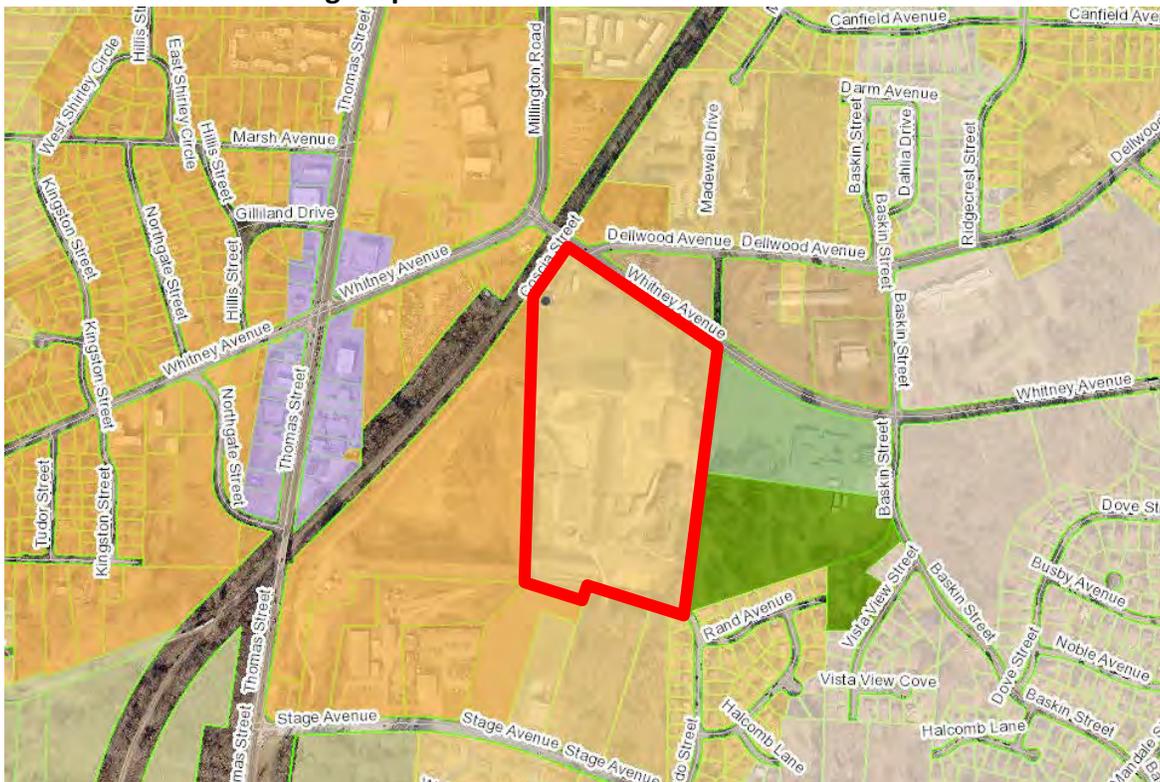
Future Land Use Designation: Anchor Neighborhood-Primarily Single-Unit (AN-S)

Street Type: Avenue

The applicant is requesting an amendment to extend the long-standing Class III construction & demolition landfill & recycling operations at Frayser Recycling.

The following information about the land use designation can be found on pages 76 – 122:

1. Future Land Use Planning Map



Red polygon indicates the application site on the Future Land Use Map.

2. Land Use Description/Intent

Anchor Neighborhood-Primarily Single-Unit (AN-S) are walkable neighborhoods within a 5 – 10-minute walk of a Community Anchor. These neighborhoods are made up of single-unit and duplex housing. Graphic portrayal of AN-S is to the right.



“AN-S” Form & Location Characteristics

ACCELERATE

Primarily detached, single-family residences. Attached single-family, duplexes, triplexes and quadplexes permitted on parcels within 100 feet of an anchor; at intersections where the presence of such housing type currently exists at the intersection and along avenues, boulevards and parkways as identified in the Street Types Map. Height: 1-3 stories. Scale: house-scale

“AN-S” Zoning Notes

Generally compatible with the following zone districts: R-15, R-10, R-8, R-6, R-3, RU-1, MDR in accordance with Form and characteristics listed above.

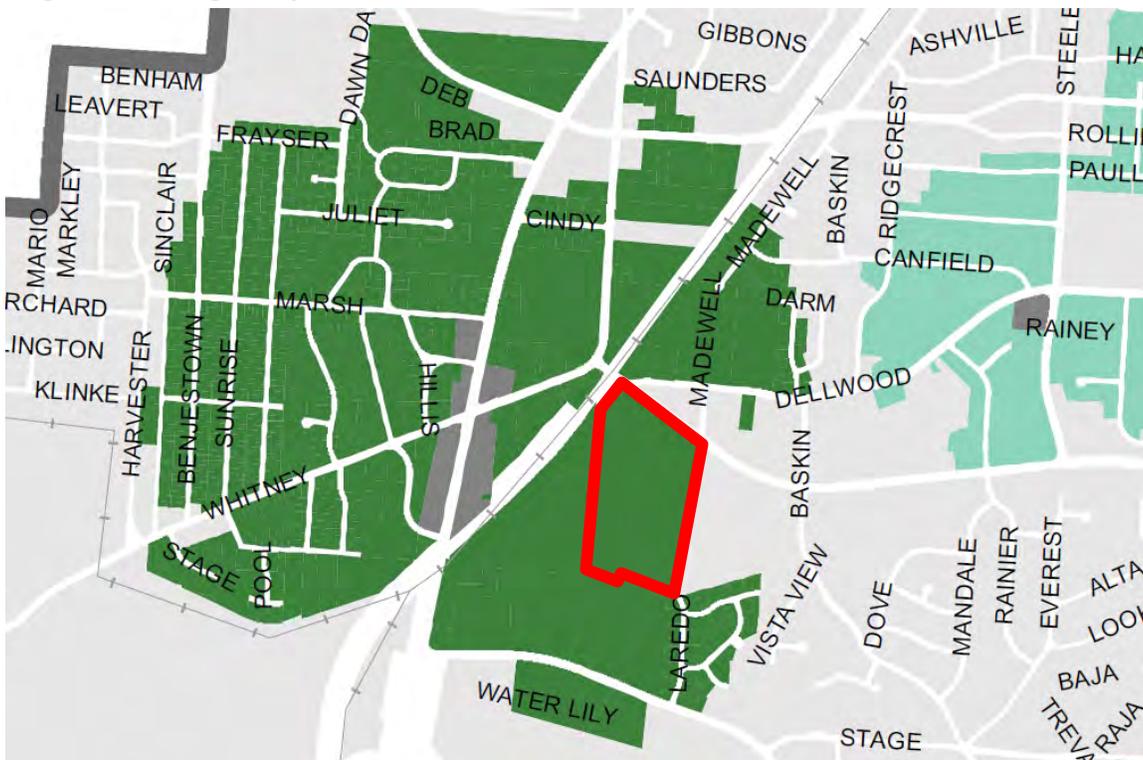
Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Single-Family, R-6

Adjacent Land Use and Zoning: Single-Family, Commercial, Vacant, and Institutional; R-6, CMU-2 and CMU-1

Overall Compatibility: *This requested use is not compatible with the future land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed facility abuts a residential neighborhood, an elementary school and adjacent to an anchor.*

3. Degree of Change Map



Red polygon denotes the proposed site in Degree of Change area. The Degree of Change is Accelerate.

4. Degree of Change Description

Accelerate areas rely on a mix of primarily private and philanthropic resources along with some public resources to intensify the existing pattern of a place.

The proposed facility is a private investment and this will be an impediment to Improving public realm and infrastructure.

5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities: N/A

6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations: N/A

Consistency Analysis Summary

The applicant is requesting an amendment to extend the long-standing Class III construction & demolition landfill & recycling operations at Frayser Recycling.

This requested use is not compatible with the future land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the proposed facility abuts a residential neighborhood, an elementary school and adjacent to an anchor.

The proposed facility is a private investment and this will be an impedement to Improving public realm and infrastructure.

Based on the information provided, the proposal is NOT CONSISTENT with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Romana Haque Suravi, Comprehensive Planning.



Logan Landry
Planner I
Office of Sustainability and Resilience
125 N. Main St., Memphis, TN 38103
Logan.Landry@memphistn.gov

MEMORANDUM

To: Nicholas Wardroup, Planner II
From: Logan Landry, Planner I
Date: July 29, 2024
Subject: OSR Comments on PD 2024-005: FRAYSER

General Comments & Analysis:

Located in Zone 1 of the Resilience Zone Framework:

Zone 1 areas have the lowest level of development risk and conflict. These areas avoid high risk disaster zones, such as floodplains, and they also do not conflict with sensitive ecological areas. These areas are the most straightforward for development, and development would have the lowest impact on regional resilience. Consider incorporating the protection of ecological assets while balancing the promotion of low-impact site design and compact development typologies in appropriate areas.

The applicant is requesting an amendment to expand the existing Class III construction & demolition and landfill & recycling operations at Frayser Recycling Center.

The proposed expansion includes 10.4 acres of commercial development and 18 acres of landfill and recycling space. The landfill and recycling center is currently zoned R-6 with heavy industrial activity to the south, residential parcels and a school building to the east, and commercial spaces and a house to the north.

In Tennessee, Class III Landfills are only permitted to dispose of construction & demolition waste, and landscaping and farming waste which typically consists of concrete, bricks, wood, glass, and metals. Any waste tires received are removed and sent to a separate recycling facility. The Frayser Recycling Center provides on-site recycling services, producing beneficial products like soil amendments, mulch, and construction materials to be reused in future construction activities.

The Shelby County Solid Waste Region Board is in the process of developing a new Solid Waste Master Plan to guide waste and materials management throughout the entire County. This will be the first Solid Waste Master Plan since 1993 and is expected to be completed in late 2025. This plan will provide new recommendations for the solid waste management industries within the County.

Consistent with the Mid-South Regional Resilience Master Plan best practices: N/A

Consistent with the Memphis Area Climate Action Plan best practices: No

This proposed planned development amendment is generally inconsistent with the Memphis Area Climate Action Plan. While the Frayser Recycling Center's recycling operations do align with Action W.2: Reduce the Overall Amount of Waste Generated by recycling construction & demolition materials and yard waste, the proposed expansion generally goes against working towards a zero-waste future as encouraged in the plan. Action items W.1: Divert Greater Amounts of Organic Waste from Landfills and W.3: Divert Greater Amounts of Inorganic Materials from Landfills are directly contradicted by the expansion of the existing landfill which would allow for the acceptance of more inorganic materials in the form of construction & demolition waste and organic materials in the form of yard waste.

Recommendations: Staff recommends rejection and encourages the property and business owner(s) to engage in the ongoing solid waste master plan process, which will shape the future goals and recommendations for Shelby County and its municipalities.

MAILED PUBLIC NOTICE

49 Notices Mailed on 5/17/2024



City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103

NOTICE OF PUBLIC HEARING

You have received this notice because you own or reside on a property that is near the site of a land use application filed with the Division of Planning and Development. The **MEMPHIS & SHELBY COUNTY LAND USE CONTROL BOARD** will hold a Public Hearing on the following application, pursuant to Sub-Section 9.3.4A of the Memphis & Shelby County Unified Development Code:

CASE NUMBER: PD 2024-0005
LOCATION: 3086 Coscia Street
(SEE SITE PLAN ON REVERSE SIDE)
APPLICANT: ETI Corporation
REQUEST: Amendment to the Frayser Business Center Planned Development to allow a landfill and recycling center

THE LAND USE CONTROL BOARD PUBLIC MEETING WILL BE HELD:

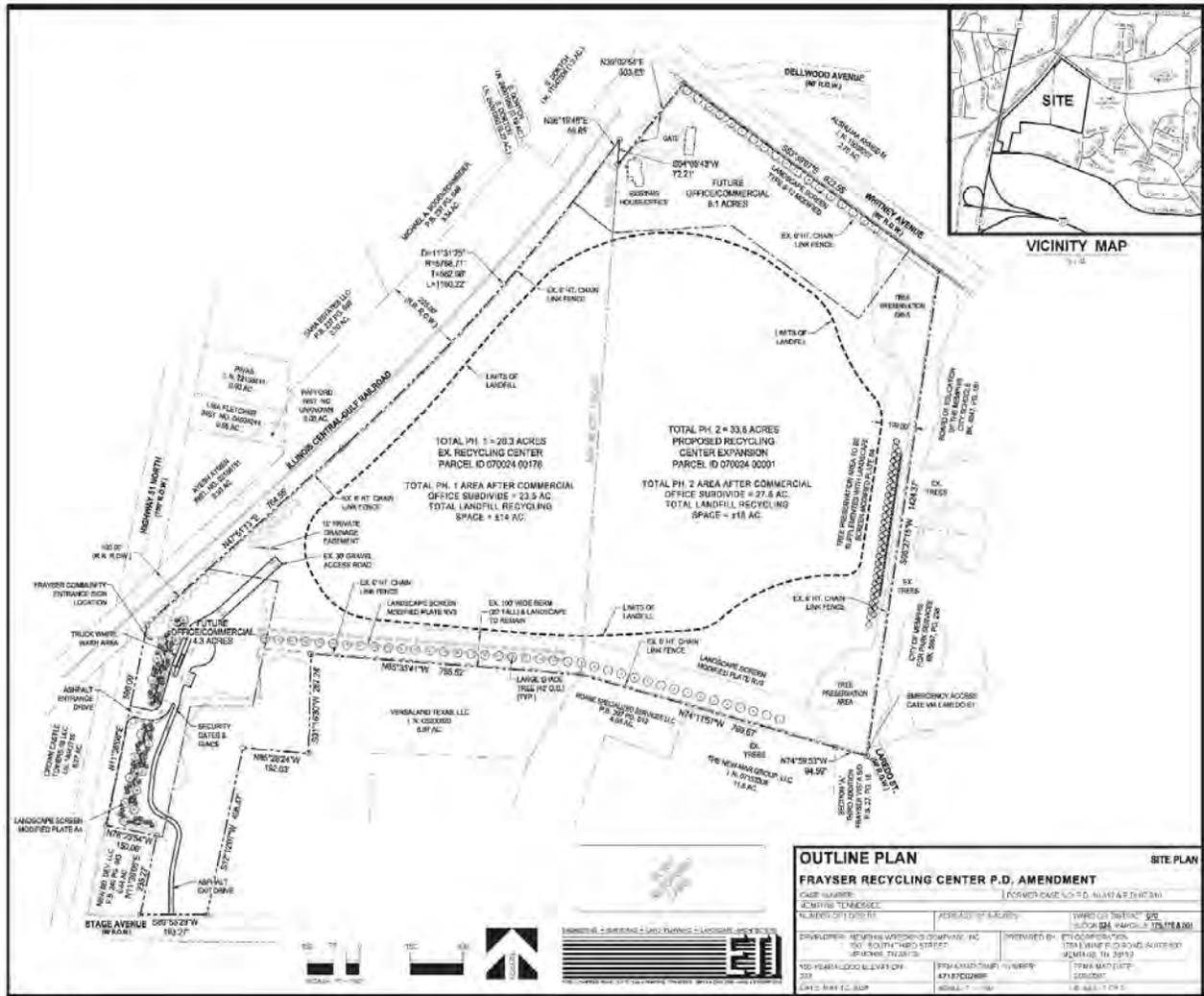
DATE: Thursday, June 13, 2024
TIME: 9:00 AM
LOCATION: Council Chambers on the First Floor of City Hall, 125 N. Main Street

During the public hearing, the Board may recommend the approval or rejection of this item or hold the item for a public hearing at a subsequent Board meeting. For this case, the Board will make a **recommendation** to the legislative body; the legislative body will take final action at a later date.

Please note the Board may place this item on the Consent Agenda, which is considered at the beginning of the Board meeting. No individual public hearing will be held, nor will the Board debate items on the Consent Agenda unless a member of the audience, staff or Board requests that the item be removed from the Consent Agenda.

You are not required to attend this hearing, although you are welcome to do so if you wish to speak for or against this application. You may also contact Kendra Cobbs at Kendra.Cobbs@memphistn.gov or (901) 636-6619 to learn more about the proposal and/or to submit a letter of support or opposition no later than **Wednesday, June 5, 2024, at 8 AM**.

SITE PLAN



SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Douglas M. Baker / ETI Corporation, being duly sworn, depose and say that at 1:10 PM am/pm on the 17th day of May, 2024, I posted 3 Public Notice Sign(s) pertaining to Case No. PD 2024-005 at Frayser Recycling Center, Hwy. 51 & Whitney Av., providing notice of a Public Hearing before the X Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (X Planned Development, Special Use Permit, Zoning District Map Amendment, Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Douglas M. Baker

Owner, Applicant or Representative

5/17/24

Date

Subscribed and sworn to before me this 17th day of May, 2024.

Janet M. Smith

Notary Public

My commission expires: My Comm. Exp. March 28, 2026



APPLICATION



**Memphis and Shelby County Division of
Planning and Development**

East Service Center: 6465 Mullins Station Rd; Memphis,
Tennessee 38134

Downtown Service Center: 125 N. Main Street,
Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Processing

Opened Date: May 10, 2024

Record Number: PD 2024-005

Expiration Date:

Record Name: Frayser Recycling Center PD Amendment

Description of Work: Please pages 1 and 2 for project description in the Letter of Intent.

Parent Record Number:

Address:

3086 COSCIA ST, MEMPHIS 38127

Owner Information

Primary Owner Name

Y

Owner Address

Owner Phone

Parcel Information

070024 00001

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

Brett Ragsdale

Date of Meeting

05/15/2024

Pre-application Meeting Type

In Person

GENERAL PROJECT INFORMATION

Planned Development Type

Amendment to Existing PD

Previous Docket / Case Number

PD 10-312

PD 07-310

Medical Overlay / Uptown

No

If this development is located in unincorporated
Shelby County, is the tract at least three acres?

N/A

GENERAL PROJECT INFORMATION

(Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)

Is this application in response to a citation, stop work order, or zoning letter No

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information n/a

APPROVAL CRITERIA

APPROVAL CRITERIA
UDC Sub-Section 9.6.9A

The proposed amendment to extend the long-standing Class III construction & demolition landfill & recycling operations at Frayser Recycling Center is well-justified & designed to minimize impacts on the surrounding area. The Williamsons have demonstrated experience in providing these essential services to the community with care & respect for the Frayser community & neighborhood in which they are deeply entrenched. The amendment addresses the need for additional operational recycling space while maintaining designated setbacks, buffers & environmental protection zones. Proposed acreage allotments ensure ample greenspace, ponding areas & tree preservation zones, which are incorporated alongside the expanded landfill footprint and new commercial parcels. The proposed expansion of the landfill/recycling operations & the addition of two commercial parcels have been meticulously designed to safeguard the school & park facilities, ensuring their continued operation in a safe, health & undisturbed environment. The comprehensive plan incorporates a multitude of thoughtful measures that effectively mitigate any potential impacts, creating a harmonious coexistence between these diverse land uses. Notably, Class III landfill operations prohibit the acceptance of harmful materials. Only non-hazardous construction/demolition debris is permitted. Additionally, the site recycles non-hazardous materials & converts yard waste into reusable products. The proposal carefully addresses the surrounding context. Heavy industrial uses in the south are compatible with the proposed activities. While residential areas lie to the east, with the proposed setback only the easterly line, a substantial nearly 575-foot buffer separates operations from the school building. Other buffering elements, like minimum setbacks from property lines & landscaping, mitigate potential impacts. The positioning & orientation of the school itself serve as a natural shield. The school is purposefully angled towards the east, along with the residential areas & park, ensuring that its façade & primary entrances face away from the landfill and commercial activities. Traffic patterns with the landfill activities will remain unchanged, with operations only entering from the west (Hwy 51) and exiting to the south

APPROVAL CRITERIA

(Stage Road). Future commercial development may access Whitney & Hwy 51. The plan considers the pedestrian flow of the elementary school. Students primarily commute via the bus or are dropped off by parents, with little pedestrian activity along Whitney Avenue (westerly). Most pedestrian activity is concentrated north, south & east of the school premises. This spacing effectively separates the high-traffic areas from the proposed commercial operations along Whitney Avenue, minimizing any conflicts & enhancing safety. Numerous existing & proposed measures align with City requirements for stormwater management, fencing, landscaping & security. Over 600 trees have already been planted as a perimeter buffer. The applicants have demonstrated & will continue their commitment to sustainable land use by creating viable commercial development while preserving the ability to repurpose the landfill areas as open green spaces or for passive recreation uses. This adaptability ensures that the site can contribute to present & continued economic & environmental value. The expansion addresses a regional need for enhanced construction/demolition waste handling capabilities. With consistent monitoring & adherence to applicable regulations, the operations will augment Memphis' sustainability goals related to waste management. Likewise, the use of construction & demolition landfills, that are far less environmentally impactful on surrounding communities than sanitary landfills, is in accordance with the State of Tennessee goals to lessen the use of sanitary landfill. The primary goal is to keep construction & demolition waste out of sanitary landfills.

APPROVAL CRITERIA

UDC Sub-Section 9.6.9B

The Frayser Recycling Center has operated its Class III construction & demolition landfill/recycling facility at this location for over a decade & has demonstrated compatibility with the surrounding area. The proposed expansion builds on this experience while incorporating elements to ensure further compatibility.

The expanded landfill/recycling operation will provide significant buffering from nearby residential areas. Additional setbacks added landscaped buffers, and preservation of existing mature trees along the east & southern property lines create significant visual and sound screening & physical separation. Stringent environmental regulations & best practices will continue to be implemented to mitigate any potential adverse impacts.

State-of-the-art technologies & rigorous monitoring protocol are & will continue to be employed to control emissions, odor & noise levels, ensuring a safe & healthy environment for the school & park users. The landfill has had an excellent record of noise levels no louder than a lawn mower. Random State monitoring of noise, air quality & random inspections by the County Health Department and Fire Department have likewise produced no violations. The nature of Class III landfill operations, only accepting non-hazardous construction and demolition materials, is fundamentally a lower impact compared to municipal solid waste landfills. Sanitary landfills have more debris volumes & truck traffic. Recycling materials on-site further reduces impact to the immediate vicinity. Truck traffic patterns will be maintained from the west and south sides, avoiding residential streets. Adding new commercial parcels provides an extra layer of buffering development to the north & the potential for economic growth in the neighborhood. Numerous on-site provisions, such as perimeter fencing, wheel washes, stormwater management, tree plantings, extensive over-seeding & preservation areas, adhere to City & State requirements to ensure a compatible on-site environment & minimize off-site impacts. The proposal integrates transition from the landfill area into open green space & passive recreational uses upon its eventual closure. This end-use aligns with promoting compatibility with nearby areas & the City's sustainability goals. With consistent adherence to applicable regulations,

APPROVAL CRITERIA

UDC Sub-Section 9.6.9C

verified through environmental monitoring & performance testing, the operations can expand regional waste-handling capabilities while safeguarding local environmental quality aspects. The traffic plan maintains existing access points. From the west and south sides of the site for ingress to the landfill/recycling operations is from Thomas Street & egress to Stage Road, avoiding impacts to residential streets or Whitney Avenue. Only potential future commercial/office or residential development would utilize a Whitney Avenue access point. This segregated circulation prevents any increase in truck traffic through neighborhoods. The proposal does not increase operational vehicle volumes & only provides expanded disposal acreage. As an industrial land use, parking demands are met through designated operational areas. No reliance on public parking facilities is required. Commercial parking demands will comply with CMU-3 standards. The project's core purpose is expanding construction/demolition waste & yard waste disposal capabilities through the Class III landfill, addressing a growing regional need. On-site recycling operations further enhance waste-handling services with waste tires removed to a separate recycler. No unique fire or emergency needs are anticipated beyond standard industrial facility requirements, which existing City resources & services can accommodate. The site does have an extensive irrigation system installed. It also has a truck wheel wash facility that is nearly one of a kind in Shelby County further protecting the adjacent streets. The proposed land use as an expansion of the established landfill and recycling facilities does not create extraordinary public service burdens. Adherence to City, State, and Federal requirements enhances development oversight. Additionally, the increased regional disposal capacity directly enhances the availability of ongoing solid waste services for the City of Memphis & the surrounding area.

APPROVAL CRITERIA

UDC Sub-Section 9.6.9D

The site does not contain any designated significant natural features. The amendment carefully incorporates greenspace preservation areas, tree preservation zones & additional landscaping to maintain & enhance the natural environment on-site. Over six hundred new trees have already been planted as a perimeter buffer. There are no indications of historic buildings, archaeological sites, or other historic resources on the property that the commercial parcels or the expanded landfill and recycling operations would threaten. With years of experience operating at this location & adhering to regulations, the current & proposed operations do not include any environmental degradation. Detailed monitoring data shows that the existing activities meet all environmental standards.

APPROVAL CRITERIA

UDC Sub-Section 9.6.9E

The current operations at Frayser Recycling Center have an established track record of adhering to all applicable local, state, & federal regulations governing their Class III construction/demolition landfill & recycling activities. This proven history demonstrates their commitment to regulatory compliance as operations are expanded. Based on mandated state performance testing, positive environmental evaluations confirm that the site meets or exceeds dust, water quality, noise & air quality requirements. The expanded landfill operations will be held to these high standards through ongoing monitoring and analysis. Specific operational provisions ensure compliance with City and State requirements, including fencing, stormwater management, security measures (including on-site security cameras), wheel washes, setbacks, landscaping & buffering standards. Class III landfills only accept non-hazardous construction & demolition debris. No municipal solid waste, garbage, or hazardous materials like asbestos are permitted, aligning with the regulatory framework. In addition to specific requirements the owners provide the City drivers with water & snacks. The operations go further by recycling 55% of accepted materials on-site into beneficial products like mulch & soil amendments. Scrap iron, bricks, concrete & asphalt are recycled on site. This recycling component reduces landfill volumes & complies with sustainable waste handling and carbon footprint reduction goals including the Tennessee State Waste goal of 25% reduction. The amendment addresses the landfill ultimate closure, envisioning conversion of the area into open green space and/or passive recreational uses, which will uphold & enhance environmental stewardship of the Frayser community.

APPROVAL CRITERIA

UDC Sub-Section 9.6.9F

The proposed commercial components along Highway 51 & Whitney Avenue conform to the goals & vision laid out in the Memphis 3.0 comprehensive plan. Integrating these commercial uses with the landfill/recycling operations aligns with the City's long-term planning for balanced land use & development. The proposed amendments include setbacks, landscaping, buffering, operational conditions & future transition plans that supplement the baseline zoning standards. These enhance compatibility with nearby areas. The immediate surrounding context includes heavy industrial uses to the south, reinforcing the appropriate nature of locating the landfill/recycling operations in this area. Design elements like landscape buffers are incorporated to minimize impacts to residential areas farther east. The amendments anticipate and address the eventual closure of the landfill by including transition plans for converting those areas into open green spaces or passive recreational facilities. This forward-looking component allows productive long-term reuse that is compatible with the vicinity. The proposed amendments incorporate multiple layers of consideration to remain coherent with the City's development standards & the established character of the surrounding area & neighborhood settings. This balanced approach suggests that the proposed expansion, though significant, can be integrated compatibly with its environment through mindful execution.

GENERAL PROVISIONS

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

The strategic setbacks, thoughtful orientation, pedestrian flow management, and adherence to environmental regulations create harmony between the land uses surrounding the property, allowing for sustainable development while prioritizing the school's and park facilities' well-being. Extensive buffering elements, including increased setbacks, tree preservation zones, landscaping, and supplemental plantings along the eastern boundary adjacent to residential areas, reflect a concerted effort to mitigate impacts that could negatively affect the use, value, or enjoyment of those nearby properties. By incorporating compatible commercial components that align with the Memphis 3.0 plan, providing a long-term vision for transitioning operations into open space/passive recreational uses, and taking a sustainable environmental approach, the amendments promote productive growth and development potential in the area over time.

The location amidst existing heavy industrial uses to the south, a rail line, and the proposed commercial properties provide appropriate buffering and transition to the lower-intensity residential areas farther east. This thoughtful arrangement of complementary land uses prevents hindrances to growth. Designated truck routes avoid residential streets to prevent adverse traffic impacts that could constrain the area's growth and development capacity. Under controlled conditions, only potential future commercial uses would access Whitney Ave. The proposal coherently aligns with the City's current policies and plans to foster a balanced urban environment that mutually benefits all surrounding areas and property owners. This systematic approach prevents undue injuries or constraints.

GENERAL PROVISIONS

B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development

As an outdoor industrial operation focused on landfill and recycling activities, no additional municipal utility demands are anticipated for the expanded landfill areas. Any future commercial development can connect to existing utilities. The amendments incorporate stormwater management elements as part of their design. Specific measures like sprinklers along roads, a wheel wash station, and designated ponding areas for water retention/detention control drainage from the active operational areas of the site. This stormwater infrastructure will be extended to the new commercial parcels. Stormwater management features of the existing and expanded areas indicate that rainfall/runoff can be adequately managed on-site to prevent drainage issues.

GENERAL PROVISIONS

C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation

The proposed amendments include strengthening buffering and landscaping efforts to the east and southeast of the landfill and recycling operations. Introducing tree preservation zones and extensive plantings provides both visual and physical barriers to minimize intrusive elements in the surrounding mixed industrial and residential areas. The operational plan ensures that the landfill and recycling traffic will continue to access the site from existing points on the west and south, with no new traffic routes opening onto Whitney Avenue. This maintains current traffic patterns, which is crucial for not disturbing the residential zones to the east. The existing setup, including perimeter fencing, road sprinklers, a wheel wash, and security cameras, speaks to a comprehensive strategy to manage potential impacts like dust, runoff, and unauthorized access. Such infrastructure indirectly supports surrounding developments by ensuring minimal disruptions. Stormwater facilities integrate green spaces and ponding areas. Stormwater from the expanded operations will be managed on-site, preventing any adverse drainage impacts on adjoining properties. Commercial expansions require connection to City infrastructure, necessitating careful planning to ensure service adequacy. Provisions for parking, loading areas, pedestrian movement, lighting, and other service facilities will be developed in accordance with zoning requirements. The decision to enrich the site with additional tree plantings and dedicated green spaces leverages natural geography for environmental benefits while promoting aesthetic value. This approach ensures that parts of the proposed development that are not used for operational purposes contribute positively to the local landscape. The intent to repurpose the landfill into open space or passive recreation post-closure renders the property a long-term asset to the Frayser community. This forward-looking planning underscores a commitment to ecological stewardship and neighborhood enhancement. The plan addresses the pedestrian dynamics associated with an elementary school. Children primarily arrive and depart by walking or being dropped off by parents, resulting in pedestrian activity concentrated in the north, south, and east of the school and park premises. This planned layout

GENERAL PROVISIONS

D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest

insulates higher-traffic areas from the proposed landfill and commercial operations along Whitney Avenue, significantly minimizing potential conflicts and bolstering overall safety for the students, staff, and visitors. Offering free mulch and integrating community recycling programs and dumpster days twice per month strengthens the Williamsons' ties with Frayser and encourages local participation in sustainability efforts.

The amendment application provides a comprehensive plan to extend and enhance the operation of a Class III landfill and recycling center, which has been actively functioning operation. Essential modifications from district standards, specifically the expansion of operational space and the introduction of commercial parcels, are closely justified by the outline plan's thoughtful design and proposed amenities. The introduction of additional acres dedicated to landfill operations and recycling capabilities directly addresses a regional need for enhanced waste management facilities. The expansion is necessary under prevailing environmental sustainability goals and the City's waste management demands. The addition of commercial parcels aligns with the Memphis 3.0 plan, supporting the City's vision for growth and development. This strategic integration promotes the site's dual utility—providing essential municipal services while contributing to local economic vitality. The plan's emphasis on increased setbacks, preservation of existing green spaces, and additional plantings across the site minimizes visual and environmental impacts, thereby mitigating potential concerns associated with closer proximity to neighboring properties. The project's commitment to environmentally sound practices, including recycling construction and demolition materials and plans for site repurposing, reflects a broader public interest in sustainability.

N/A

E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements

F) Lots of record are created with the recording of a planned development final plan

N/A

GIS INFORMATION

OWNER AFFIDAVIT



City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 451-0618

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1

I, Belt Investment Company LP Ronald A. Belt state that I have read the definition of
(Print Name) (Sign Name)

"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
- I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at Appaling Farms Pkwy
and further identified by Assessor's Parcel Number 082011 00015
for which an application is being made to the Division of Planning and Development

Subscribed and sworn to (or affirmed) before me this 26th day of September in the year of 2023



Ronald A. Belt
Signature of Notary Public

9/27/23
My Commission Expires

LETTER OF INTENT



May 10, 2024

Brett Ragsdale, AIA
Zoning Administrator
Division of Planning and Development
125 N. Main, Ste. 468 Memphis, TN 38103

RE: Letter of Intent and Justification
Frayser Recycling Center Planned Development Amendment, Former Case P.D. 10-312

Dear Mr. Ragsdale,

Steve and Carol Williamson, the owners of Frayser Recycling Center (DBA Memphis Wrecking Company, Inc.) located at 2984 Highway 51 North, are requesting an amendment to the Frayser Business Center Planned Development. This amendment application aims to extend their construction and demolition Class III landfill and recycling operations, which have been actively functioning at the same location since 2009. Approval of this amendment will permit the Williamsons to continue providing these essential services to the community.

BACKGROUND

The amendment to P.D. 2010-312 includes a 4.3-acre commercial parcel along Highway 51, a 6.1-acre commercial parcel along Whitney Avenue, the current operational (Phase 1) ±14-acre Class III landfill and recycling area, and a ±9.5-acre related open spaces and buffering areas that were previously approved and permitted, and a proposed (Phase 2) landfill/recycling expansion with operations utilizing ±18-acres and ±10-acres of green space, ponding, buffer zones, and tree preservation areas. Collectively, 10.4-acres of commercial development, ±32-acres of operational landfill and recycling operations, and nearly 20 acres of open spaces are being identified in this multi-use land use and planned development amendment. This amendment addresses the need for additional operational space while maintaining designated setbacks and environmental protection areas.

The proposal envisions that the 4.3-acre property designated along Highway 51 and the 6.1-acre property designated along Whitney Road will ultimately be donated to the Frayser Community Development Corporation.

Class III Landfills and recycling centers in Tennessee take construction and demolition (C&D) debris. Harmful products, including building materials containing asbestos, municipal trash, liquids, paper products, plastic products, bulk cardboard, chemicals, medical waste, appliances, tires and household garbage **are prohibited**. C&D debris typically includes concrete, bricks, wood, glass, metals and other non-hazardous

waste generated from construction, renovation, and demolition activities. This site recycles C&D materials including steel, bricks, concrete, and asphalt; and also recycles trees, and leaves into mulch or soil amendments for landscape uses.

The surrounding properties provide context for the proposed amendment. To the south, the property contains heavy-zoned industrial uses. The eastern side has small residential parcels, including a school building located approximately 465-feet (565-feet from school building to the proposed limits of landfill) from the shared property line and an underdeveloped park and open space parcel. These spaces are separated by 100-year-old trees standing at about ninety feet tall. To the north, there is a house in poor condition and commercial uses on the property. Commercial and vacant areas, along with a rail line, are lying to the west.

The traffic flow for the current operations and proposed expansion will maintain ingress from the west (Highway 51) and egress to the south (Stage Road) side of the site. Landfill and recycling operations will not enter or exit from Whitney Avenue, resulting in no changes to existing traffic patterns or increases. Access to Whitney Avenue would only be permitted for any potential future commercial development.

PROPOSED AMENDMENTS TO THE EXISTING PLANNED DEVELOPMENT

Proposed Building Setbacks and Heights:

The proposed amendments outline specific guidelines regarding the positioning and dimensions of buildings within the development and detailed requirements for landfill and recycling operations. Key provisions include a mandatory 100-foot setback from Thomas Street and the south property line for buildings, with an exemption for commercial parcels, which are proposed to have a minimum building setback of 30-feet and a uniform maximum building height set at 40-feet.

Landfill activities are subject by the State of Tennessee to specific distancing, with a minimum of one hundred feet from the east property line shared with the school and park. A modification to the UDC requirement of 500-feet from the east property line is requested. This distance will not impact the Frayser elementary school building that is 565-feet from the Phase 2 proposed limits of landfill. A five-hundred-foot setback from the Frayser Vista residential properties will be maintained. No parcel line setbacks are specified for landfill/recycling activities directly behind the commercial parcels. We have added a further requirement of 500-foot minimum distance for landfill and recycling operations from the Girls Inc. residential property and establishing a maximum landfill height of 370-foot elevation. The existing 290-foot elevation is presently required for the existing approved landfill. The height increase will be buffered by existing mature trees from the school and residential areas to the east and southeast.

Landscaping/Buffering Additions:

The proposed landscaping enhancements focus on integrating new and existing green spaces and preserving natural elements within the development area. A significant feature of this approach is the establishment of a minimum 100-foot-wide tree preservation area along the east property line adjacent to a school, ensuring a natural buffer and enhancing the environmental quality of the educational facility. Additionally, the plan includes planting boulevard trees in front of the commercial parcels along Whitney Avenue, improving the roadway's aesthetic appeal, and contributing to the urban green canopy, which includes around two hundred 25-foot-tall Virginia Pines and Loblolly Pines. Further reinforcing the commitment to greener surrounding, tree plantings are planned along the southern property line, creating

Letter of Intent & Justification

May 10, 2024

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a continuous green barrier that enhances biodiversity, provides additional privacy, and improves the overall landscape quality of the development. These initiatives prioritize ecological preservation and beautification in line with sustainable urban development practices.

Operations and Land Uses:

This proposal introduces a series of amendments designed to streamline the development's functionality while broadening its scope of services and uses. The amendments adhere to the CMU-3 zoning provisions, adding new permissible uses and diversifying the range of available activities and services. This approach maximizes the utility of the parcels and enriches the development's contribution to the local economy and surrounding community. In addition to the operational enhancements, the proposal establishes two commercial parcels that the Frayser Community Development Corporation can utilize at its discretion. This development expansion aims to create more jobs, business opportunities and stimulate economic growth, leveraging the site's strategic location and zoning potential for broader community benefits.

JUSTIFICATIONS FOR THE PROPOSED AMENDMENTS

APPROVAL CRITERIA (UDC Section 9.6.9)

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:

The proposed amendment to extend the long-standing Class III construction and demolition landfill and recycling operations at Frayser Recycling Center is well-justified and designed to minimize impacts on the surrounding area. The Williamsons have demonstrated experience in providing these essential services to the community with care and respect for the Frayser community and neighborhood in which they are deeply entrenched. The amendment addresses the need for additional operational recycling space while maintaining designated setbacks, buffers, and environmental protection zones. Proposed acreage allotments ensure ample greenspace, ponding areas, and tree preservation zones, which are incorporated alongside the expanded landfill footprint and new commercial parcels.

The proposed expansion of the landfill/recycling operations and the addition of two commercial parcels have been meticulously designed to safeguard the school and park facilities, ensuring their continued operation in a safe, healthy, and undisturbed environment. The comprehensive plan incorporates a multitude of thoughtful measures that effectively mitigate any potential impacts, creating a harmonious coexistence between these diverse land uses.

Notably, Class III landfill operations prohibit the acceptance of harmful materials. Only non-hazardous construction/demolition debris is permitted. Additionally, the site recycles non-hazardous materials and converts yard waste into reusable products.

The proposal carefully addresses the surrounding context. Heavy industrial uses in the south are compatible with the proposed activities. While residential areas lie to the east, with the proposed setback only the easterly line, a substantial nearly 565-foot buffer separates operations from the school building. Other buffering elements, like minimum setbacks from property lines and landscaping, mitigate potential impacts. The positioning and orientation of the school itself serve as a natural shield. The school is purposefully angled towards the east, along with the residential areas and park, ensuring that its façade and primary entrances face away from the landfill and commercial activities.

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Traffic patterns with the landfill activities will remain unchanged, with operations only entering from the west (Highway 51) and exiting to the south (Stage Road). Future commercial development may access Whitney and Highway 51. The plan considers the pedestrian flow of the elementary school. Students primarily commute via the bus or are dropped off by parents, with little pedestrian activity along Whitney Avenue (westerly). Most pedestrian activity is concentrated north, south, and east of the school premises. This spacing effectively separates the high-traffic areas from the proposed commercial operations along Whitney Avenue, minimizing any conflicts and enhancing safety.

Numerous existing and proposed measures align with City requirements for stormwater management, fencing, landscaping, and security. Over six hundred trees have already been planted as a perimeter buffer.

The applicants have demonstrated and will continue their commitment to sustainable land use by creating viable commercial development while preserving the ability to repurpose the landfill areas as open green spaces or for passive recreation uses. This adaptability ensures that the site can contribute to present and continued economic and environmental value.

The expansion addresses a regional need for enhanced construction/demolition waste handling capabilities. With consistent monitoring and adherence to applicable regulations, the operations will augment Memphis' sustainability goals related to waste management. Likewise, the use of construction and demolition landfills, that are far less environmentally impactful on surrounding communities than sanitary landfills, is in accordance with the State of Tennessee goals to lessen the use of sanitary landfill. The primary goal is to keep 25% of construction and demolition waste out of sanitary landfills.

The project will be constructed, arranged, and operated to be compatible with the immediate vicinity and not interfere with the development and use of the adjacent property by the applicable district regulations:

The Frayser Recycling Center has operated its Class III construction and demolition landfill/recycling facility at this location for decades and has demonstrated compatibility with the surrounding area. The proposed expansion builds on this experience while incorporating elements to ensure further compatibility.

The expanded landfill/recycling operation will provide significant buffering from nearby residential areas. Additional setbacks added landscaped buffers, and preservation of existing mature trees along the east and southern property lines create significant visual and sound screening and physical separation. Stringent environmental regulations and best practices will continue to be implemented to mitigate any potential adverse impacts. State-of-the-art technologies and rigorous monitoring protocol are and will continue to be employed to control emissions, odor, and noise levels, ensuring a safe and healthy environment for the school and park users.

The landfill has had an excellent record of noise levels no louder than a lawn mower. Random State monitoring of noise, air quality, and random inspections by the Shelby County Health Department, Public Works, and Fire Department have likewise produced no violations. The State also requires two water quality tests per year for each of the designated four water wells located within the Phase I area.

The nature of Class III landfill operations, only accepting non-hazardous construction and demolition materials, is fundamentally a lower impact compared to municipal solid waste landfills. Sanitary landfills have more debris volumes and truck traffic. Recycling materials on-site further reduces impact to the immediate vicinity.

Truck traffic patterns will be maintained from the west and south sides, avoiding residential streets. Adding new commercial parcels provides an extra layer of buffering development to the north and the potential for economic growth in the neighborhood.

Numerous on-site provisions, such as perimeter fencing, wheel washes, stormwater management, tree plantings, extensive over-seeding, and preservation areas, adhere to City and State requirements to ensure a compatible on-site environment and minimize off-site impacts.

The proposal integrates transition from the landfill area into open green space and passive recreational uses upon its eventual closure. This end-use aligns with promoting compatibility with nearby areas and the City's sustainability goals. With consistent adherence to applicable regulations, verified through environmental monitoring and performance testing, the operations can expand regional waste-handling capabilities while safeguarding local environmental quality aspects.

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:

The traffic plan maintains existing access points. From the west and south sides of the site for ingress to the landfill/recycling operations is from Thomas Street and egress to Stage Road, avoiding impacts to residential streets or Whitney Avenue. Only potential future commercial/office or residential development would utilize a Whitney Avenue access point. This segregated circulation prevents any increase in truck traffic through neighborhoods. The proposal does not increase operational vehicle volumes and only provides expanded disposal acreage.

As an industrial land use, parking demands are met through designated operational areas. No reliance on public parking facilities is required. Commercial parking demands will comply with CMU-3 standards.

The project's core purpose is expanding construction/demolition waste and yard waste disposal capabilities through the Class III landfill, addressing a growing regional need. On-site recycling operations further enhance waste-handling services with waste tires removed to a separate recycler.

No unique fire or emergency needs are anticipated beyond standard industrial facility requirements, which existing City resources and services can accommodate. The site does have an extensive irrigation system installed. There is a standby mobile water tank with hoses as required by the State.

The proposed land use as an expansion of the established landfill and recycling facilities does not create extraordinary public service burdens. Adherence to City, State, and Federal requirements enhances development oversight. Additionally, the increased regional disposal capacity directly enhances the availability of ongoing solid waste services for the City of Memphis and the surrounding area.

The project will not result in the destruction, loss, or damage of any feature determined by the governing bodies to be of significant natural, scenic, or historic importance:

The site does not contain any designated significant natural features. The amendment carefully incorporates greenspace preservation areas, tree preservation zones, and additional landscaping to maintain and enhance the natural environment on-site. Over six hundred new trees have already been planted as a perimeter buffer.

There are no indications of historic buildings, archaeological sites, or other historic resources on the property that the commercial parcels or the expanded landfill and recycling operations would threaten.

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With years of experience operating at this location and adhering to regulations, the current and proposed operations do not include any environmental degradation. Detailed monitoring data shows that the existing activities meet all environmental standards.

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

The current operations at Frayser Recycling Center have an established track record of adhering to all applicable local, state, and federal regulations governing their Class III construction/demolition landfill and recycling activities. This proven history demonstrates their commitment to regulatory compliance as operations are expanded.

Based on mandated state performance testing, positive environmental evaluations confirm that the site meets or exceeds dust, water quality, noise, and air quality requirements. The expanded landfill operations will be held to these high standards through ongoing monitoring and analysis.

Specific operational provisions ensure compliance with City and State requirements, including fencing, stormwater management, security measures (including on-site security cameras), wheel washes, setbacks, landscaping, and buffering standards.

Class III landfills only accept non-hazardous construction and demolition debris. No municipal solid waste, garbage, or hazardous materials like asbestos are permitted, aligning with the regulatory framework. In addition to specific requirements the owners provide the City drivers with water and snacks. Memphis Wrecking employees go directly to each truck driver to sign tickets without drivers having to exit their vehicle for safety and convenience. No other facility provides this type of service.

The operations go further by recycling 55% of accepted materials on-site into beneficial products like mulch and soil amendments. Scrap iron, bricks, concrete and asphalt are recycled on site. This recycling component reduces landfill volumes and complies with sustainable waste handling and carbon footprint reduction goals including the Tennessee State Waste goal of 25% reduction.

The amendment addresses the landfill ultimate closure, envisioning conversion of the area into open green space and/ or passive recreational uses, which will uphold and enhance environmental stewardship of the Frayser community.

The request will not adversely affect any plans to be considered (see Chapter 1.9) or violate the character of existing standards for the development of the adjacent properties:

The proposed commercial components along Highway 51 and Whitney Avenue conform to the goals and vision laid out in the Memphis 3.0 comprehensive plan. Integrating these commercial uses with the landfill/recycling operations aligns with the City's long-term planning for balanced land use and development.

The proposed amendments include setbacks, landscaping, buffering, operational conditions, and future transition plans that supplement the baseline zoning standards. These enhance compatibility with nearby areas.

The immediate surrounding context includes heavy industrial uses to the south, reinforcing the appropriate nature of locating the landfill/recycling operations in this area. Design elements like landscape buffers are incorporated to minimize impacts to residential areas farther east.

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The amendments anticipate and address the eventual closure of the landfill by including transition plans for converting those areas by others into renewable energy facilities (i.e. solar panels), open green spaces or passive recreational facilities (i.e. dog park, biking/walking trails, fishing, disc golf, etc.). This forward-looking component allows productive long-term reuse that is compatible with the vicinity.

The proposed amendments incorporate multiple layers of consideration to remain coherent with the City's development standards and the established character of the surrounding area and neighborhood settings. This balanced approach suggests that the proposed expansion, though significant, can be integrated compatibly with its environment through mindful execution.

GENERAL PROVISIONS (UDC Section 4.10.3)

The proposed development will not unduly injure or damage the use, value, and enjoyment of surrounding property nor unduly hinder or prevent the growth of surrounding property by the current development policies and plans of the City and County:

The strategic setbacks, thoughtful orientation, pedestrian flow management, and adherence to environmental regulations create harmony between the land uses surrounding the property, allowing for sustainable development while prioritizing the school's and park facilities' well-being. Extensive buffering elements, including increased setbacks, tree preservation zones, landscaping, and supplemental plantings along the eastern boundary adjacent to residential areas, reflect a concerted effort to mitigate impacts that could negatively affect the use, value, or enjoyment of those nearby properties.

By incorporating compatible commercial components that align with the Memphis 3.0 plan, providing a long-term vision for transitioning operations into open space/passive recreational uses, and taking a sustainable environmental approach, the amendments promote productive growth and development potential in the area over time.

The location amidst existing heavy industrial uses to the south, a rail line, and the proposed commercial properties provide appropriate buffering and transition to the lower-intensity residential areas farther east. This thoughtful arrangement of complementary land uses prevents hindrances to growth.

Designated truck routes avoid residential streets to prevent adverse traffic impacts that could constrain the area's growth and development capacity. Under controlled conditions, only potential future commercial uses would access Whitney Ave.

The proposal coherently aligns with the City's current policies and plans to foster a balanced urban environment that mutually benefits all surrounding areas and property owners. This systematic approach prevents undue injuries or constraints.

An approved water supply, community wastewater treatment and disposal, and stormwater drainage facilities that are adequate to serve the proposed development have been or will be provided concurrently with the development:

As an outdoor industrial operation focused on landfill and recycling activities, no additional municipal utility demands are anticipated for the expanded landfill areas. Any future commercial development can connect to existing utilities.

The amendments incorporate stormwater management elements as part of their design. Specific measures like sprinklers along roads, a wheel wash station, and designated ponding areas for water retention/detention control drainage from the active operational areas of the site. This stormwater

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infrastructure will be extended to the new commercial parcels. Stormwater management features of the existing and expanded areas indicate that rainfall/runoff can be adequately managed on-site to prevent drainage issues.

The location and arrangement of the structures, parking and loading areas, walks, lighting, and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation:

The proposed amendments include strengthening buffering and landscaping efforts to the east and southeast of the landfill and recycling operations. Introducing tree preservation zones and extensive plantings provides both visual and physical barriers to minimize intrusive elements in the surrounding mixed industrial and residential areas.

The operational plan ensures that the landfill and recycling traffic will continue to access the site from existing points on the west and south, with no new traffic routes opening onto Whitney Avenue. This maintains current traffic patterns, which is crucial for not disturbing the residential zones to the east.

The existing setup, including perimeter fencing, road sprinklers, a wheel wash, and security cameras, speaks to a comprehensive strategy to manage potential impacts like dust, runoff, and unauthorized access. Such infrastructure indirectly supports surrounding developments by ensuring minimal disruptions.

Stormwater facilities integrate green spaces and ponding areas. Stormwater from the expanded operations will be managed on-site, preventing any adverse drainage impacts on adjoining properties.

Commercial expansions require connection to City infrastructure, necessitating careful planning to ensure service adequacy. Provisions for parking, loading areas, pedestrian movement, lighting, and other service facilities will be developed in accordance with zoning requirements.

The decision to enrich the site with additional tree plantings and dedicated green spaces leverages natural geography for environmental benefits while promoting aesthetic value. This approach ensures that parts of the proposed development that are not used for operational purposes contribute positively to the local landscape.

The intent to repurpose the landfill into renewable energy areas, open space or passive recreation post-closure renders the property a long-term asset to the Frayser community. This forward-looking planning underscores a commitment to ecological stewardship and neighborhood enhancement.

The plan addresses the pedestrian dynamics associated with an elementary school. Children primarily arrive and depart by walking or being dropped off by parents, resulting in pedestrian activity concentrated in the north, south, and east of the school and park premises. This planned layout insulates higher-traffic areas from the proposed landfill and commercial operations along Whitney Avenue, significantly minimizing potential conflicts and bolstering overall safety for the students, staff, and visitors.

Offering free mulch and integrating community recycling programs and dumpster days twice per month strengthens the Williamsons' ties with Frayser and encourages local participation in sustainability efforts.

Any modification of the district standards that would otherwise apply to the site are warranted by the design of the outline plan and the amenities incorporated therein and are not inconsistent with the public interest:

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The amendment application provides a comprehensive plan to extend and enhance the operation of a Class III landfill and recycling center, which has been actively functioning operation. Essential modifications from district standards, specifically the expansion of operational space and the introduction of commercial parcels, are closely justified by the outline plan's thoughtful design and proposed amenities.

The introduction of additional acres dedicated to landfill operations and recycling capabilities directly addresses a regional need for enhanced waste management facilities. The expansion is necessary under prevailing environmental sustainability goals and the City's waste management demands.

The addition of commercial parcels aligns with the Memphis 3.0 plan, supporting the City's vision for growth and development. This strategic integration promotes the site's dual utility—providing essential municipal services while contributing to local economic vitality.

The plan's emphasis on increased setbacks, preservation of existing green spaces, and additional plantings across the site minimizes visual and environmental impacts, thereby mitigating potential concerns associated with closer proximity to neighboring properties.

The project's commitment to environmentally sound practices, including recycling construction and demolition materials and plans for site repurposing, reflects a broader public interest in sustainability.

Conclusion

The proposed amendment to the existing planned development not only aligns with the City's broader objectives for sustainable waste management and economic growth, but also incorporates significant measures to ensure compatibility with surrounding land uses, enhance the Frayser community's quality of life, and uphold environmental integrity for all stakeholders. This proposal's commitment to operational excellence, land use preferences, and long-term ecological stewardship underscores its alignment with the City's existing needs and future goals.

Therefore, we hope that planning staff, the Land Use Control Board (LUCB), and the Memphis City Council recognize and approve the substantial benefits and positive impacts of the proposed development amendment. That decision will facilitate the continuation of essential services provided by the Williamsons' longstanding landfill and recycling operations and contribute to the City's resilience, sustainability goals, and community enhancement efforts, making it an invaluable asset for present and future residents.

We look forward to working with the Frayser Community, the Planning Staff, LUCB, and Memphis City Council on the expansion plans and conditions of the Outline Plan.

Sincerely,



Memphis Wrecking Company, Inc.

Carol Williamson, CEO

LETTERS RECEIVED AND SUPPLEMENTAL DOCUMENTS

In total, staff received approximately 600 pages of supporting documentation, including letters and petitions of both support and opposition. Due to practical limitations, only letters are attached to this document. However, the entire package of received documents is available online and includes the aforementioned letters and petitions as well as variety of technical documents we are making publicly available at the applicant's request.

Attached to this document are the following, in order of appearance:

- The resolution passed by the Memphis and Shelby County School Board on June 25 opposing the subject request.
- Approximately 29 letters of opposition.
- Two letters of rebuttal addressed to DPD staff from the applicant's representative.
- Approximately 25 letters of support.

All of the received documents are available at the link below:

<https://www.shelbycountyttn.gov/ArchiveCenter/ViewFile/Item/14727>

In the above document, material submitted in opposition to this request appears first. Material submitted in support begins on page 104.



WHEREAS, the Memphis-Shelby County Board of Education (hereafter referred to as the “Board”) supports and advocates for all Memphis-Shelby County School students to learn in a safe and nurturing school environment; and

WHEREAS, Memphis Wrecking Company has filed a requested amendment that would allow landfill operations to be expanded adjacent to Whitney Elementary School; and

WHEREAS, the Board opposes the landfill expansion as it would extend landfill operations to within 100 feet of the elementary school property as well as affect the use of the public park behind the school; and

WHEREAS, the Board’s understanding is the city’s Unified Development Code requires a minimum separation of 500 feet between landfill activities and any school or park property line and the proposed amended distance is well below the minimum distance required and unduly impacts the school community; and

WHEREAS, Whitney Elementary was not built to serve as a buffer to an adjacent landfill; and

WHEREAS, Memphis Wrecking Company appears to diminish the impacts of this landfill operation due to a lack of hazardous material processing, dust and noise from equipment operating on landfill property, as well as the potential for odor/gas leakage from deteriorating construction debris stored on the property will likely disrupt the learning environment for students and negatively impact the school community; and

WHEREAS, the Board finds that the proposed increase in the maximum height of the landfill from an elevation of 290 feet to 370 feet is unacceptable as the existing elevation along the east property line (the property line shared by the landfill property and the school/park properties) has been estimated at 285 feet by city staff resulting in the top of the landfill rising in height from slightly above the east property line’s elevation under current approvals to towering 85 feet over the adjacent school and park property; and

WHEREAS, in-lieu of providing a 20-foot-tall berm and maintained landscaping along the eastern property line as previously proposed, Memphis Wrecking Company is proposing a 100-foot wide “tree preservation area” with no provisions for providing adequate screening in the event of the loss or diminishment of screening due to tree death or disease within said preservation area.

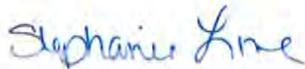
NOW, THEREFORE BE IT RESOLVED that the Board voices its opposition to the Memphis Wrecking Company’s requested amendment that would allow landfill operations to be expanded.

BE IT FURTHER RESOLVED that the Board directs the Superintendent to forward a copy of this Resolution to the Memphis and Shelby County Land Use Control Board and Memphis City Council.

Submitted this 25 day of June, 2024 by:



Bishop Althea Greene
Board Chair
Shelby County Board of Education



Stephanie Love
Board Commissioner-District 3
Shelby County Board of Education

TO: Memphis City Council, Office of Planning and Development, Land Use Control Board Members

FROM: The Concerned Frayser Residents

RE: Frayser Landfill Expansion

Date: 6/3/24



Dear Memphis City Council, Office of Planning & Development and L.U.C.B. Members:

I am a member of the East Frayser Community. I oppose allowing Frayser Landfill to expand their business due to the following reasons:

- (a) This expansion has been voted down in the Memphis City Council numerous times with the progressive will of this community and it must be voted down again.
- (b) Do to the unknown and foreseen danger or environmental injustice that can potentially be placed on these surrounding communities. There is no known EPA report from my knowledge.
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- (f) It is time to place people's livelihood and health over money and expansion.
- (g) Many of the alleged L.U.C.B. letters were sent to out-of-town-owners and not to the immediate residents that lives in the adjacent area of this existing business and or expansion. The actions of this landfill will affect the residents not the owners of the properties.

After speaking to the Concerned Citizens of West Frayser, I can see great harm to the community by letting this landfill expand on the existing site. I can see problems this would cause the neighbors, local businesses and the area in general.

I am also concerned about the regulatory nature of this business with how do they handle asbestos, lead and other chemical agent relating to demolition items that make spill into the water, run-off, air or soil. There have been alleged report that there is some type of burning of products on this landfill and the neighborhoods need to be inform of what may be allegedly being release into the air from this burning which many residents suffered from asthma and emphysema.

Sincerely,
Mavis L. Rodgers

TO: Memphis City Council, Office of Planning and Development, Land Use Control Board Members

FROM: The Concerned Frayser Residents

RE: Frayser Landfill Expansion

Date: 6/3/24

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Sincerely,
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TO: Memphis City Council, Office of Planning and Development, Land Use Control Board Members

FROM: The Concerned Frayser Residents

RE: Frayser Landfill Expansion

Date:

6-16-24

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RE: Frayser Landfill Expansion

Date: 6-16-24

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TO: Memphis City Council, Office of Planning and Development, Land Use Control Board Members

FROM: The Concerned Frayser Residents

RE: Frayser Landfill Expansion

Date: 6-16-20

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FROM: The Concerned Frayser Residents

RE: Frayser Landfill Expansion

Date: 6/16/2024

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Sincerely,

Justin Henderson

TO: Memphis City Council, Office of Planning and Development, Land Use Control Board Members

FROM: The Concerned Frayser Residents

RE: Frayser Landfill Expansion

Date: 6-16-24

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TO: Memphis City Council, Office of Planning and Development, Land Use Control Board Members

FROM: The Concerned Frayser Residents

RE: Frayser Landfill Expansion

Date: 6-16-24

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Sincerely,

Alvin McEnder

TO: Memphis City Council, Office of Planning and Development, Land Use Control Board Members

FROM: The Concerned Frayser Residents

RE: Frayser Landfill Expansion

Date: 6-16-24

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Sincerely,



TO: Memphis City Council, Office of Planning and Development, Land Use Control Board Members

FROM: The Concerned Frayser Residents

RE: Frayser Landfill Expansion

Date: 06/25/2024

Dear Memphis City Council, Office of Planning & Development and L.U.C.B. Members:

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Sincerely,

Anna Brown

TO: Memphis City Council, Office of Planning and Development, Land Use Control Board Members

FROM: The Concerned Frayser Residents

RE: Frayser Landfill Expansion

Date: 6/23/2024

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Sincerely,

Mabue Carter

TO: Memphis City Council, Office of Planning and Development, Land Use Control Board Members

FROM: The Concerned Frayser Residents

RE: Frayser Landfill Expansion

Date: June 23, 2024

Dear Memphis City Council, Office of Planning & Development and L.U.C.B. Members:

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Sincerely,

James A. Carter

TO: Memphis City Council, Office of Planning and Development, Land Use Control Board Members

FROM: The Concerned Frayser Residents

RE: Frayser Landfill Expansion

Date: 6-23-2024

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Sincerely,

A handwritten signature in cursive script, appearing to read "Joyce Steener", written over a horizontal line.

TO: Memphis City Council, Office of Planning and Development, Land Use Control Board Members

FROM: The Concerned Frayser Residents

RE: Frayser Landfill Expansion

Date: 10-23-24

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Marcelus Deener

TO: Memphis City Council, Office of Planning and Development, Land Use Control Board Members

FROM: The Concerned Frayser Residents

RE: Frayser Landfill Expansion

Date: 6/23/24

Dear Memphis City Council, Office of Planning & Development and L.U.C.B. Members:

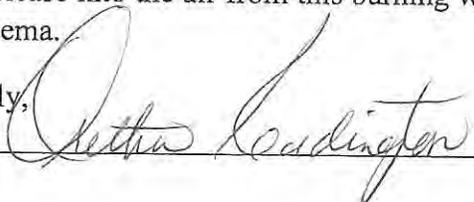
I am a member of the West Frayser Community. I oppose allowing Frayser Landfill to expand their business due to the following reasons:

- (a) This expansion has been voted down in the Memphis City Council numerous times with the progressive will of this community and it must be voted down again.
- (b) Do to the unknown and foreseen danger or environmental injustice that can potentially be placed on these surrounding communities. There is no known EPA report from my knowledge.
- (c) This expansion would be in the backdoor of numerous residents' homes whom have lived in this community for decades.
- (d) This expansion would be adjacent or in close proximity to a community park and numerous schools.
- (e) These landfills are always placed in underserved and marginalized communities who at times cannot fight for their constitutional rights, human rights, environmental rights to a good quality of life and quiet enjoyment. Many of these owners of these landfills do not live in these poor neighborhoods and would never place landfills in their beloved communities.
- (f) It is time to place people's livelihood and health over money and expansion.
- (g) Many of the alleged L.U.C.B. letters were sent to out-of-town-owners and not to the immediate residents that lives in the adjacent area of this existing business and or expansion. The actions of this landfill will affect the residents not the owners of the properties.

After speaking to the Concerned Citizens of West Frayser, I can see great harm to the community by letting this landfill expand on the existing site. I can see problems this would cause the neighbors, local businesses and the area in general.

I am also concerned about the regulatory nature of this business with how do they handle asbestos, lead and other chemical agent relating to demolition items that make spill into the water, run-off, air or soil. There have been alleged report that there is some type of burning of products on this landfill and the neighborhoods need to be inform of what may be allegedly being release into the air from this burning which many residents suffered from asthma and emphysema.

Sincerely,



TO: Memphis City Council, Office of Planning and Development, Land Use Control Board Members

FROM: The Concerned Frayser Residents

RE: Frayser Landfill Expansion

Date: 6/23/2024

Dear Memphis City Council, Office of Planning & Development and L.U.C.B. Members:

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Sincerely,



Edward Payne

TO: Memphis City Council, Office of Planning and Development, Land Use Control Board Members

FROM: The Concerned Frayser Residents

RE: Frayser Landfill Expansion

Date: 06/23/2024

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Date: 6/23/24

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Sincerely,

Lillian Britton

TO: Memphis City Council, Office of Planning and Development, Land Use Control Board Members

FROM: The Concerned Frayser Residents

RE: Frayser Landfill Expansion

Date: 6-23-24

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Sincerely,

Alicia Henderson

TO: Memphis City Council, Office of Planning and Development, Land Use Control Board Members

FROM: The Concerned Frayser Residents

RE: Frayser Landfill Expansion

Date: 4/23/24

Dear Memphis City Council, Office of Planning & Development and L.U.C.B. Members:

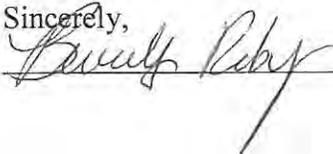
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RE: Frayser Landfill Expansion

Date: 6-23-24

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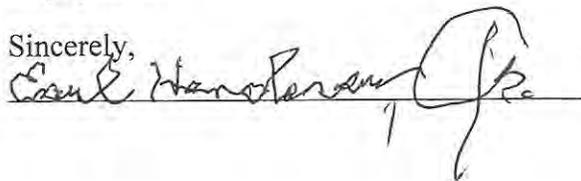
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Sincerely,


Paul Henderson

TO: Memphis City Council, Office of Planning and Development, Land Use Control Board Members

FROM: The Concerned Frayser Residents

RE: Frayser Landfill Expansion

Date: 6-23-24

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Sincerely, *Vernon Murray*

Ragsdale, Brett

From: Charles Belenky <cbelenky@gmail.com>
Sent: Friday, June 21, 2024 9:55 AM
To: Cobbs, Kendra
Subject: #PD2024005

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Cobbs

I am opposed to the landfill. Such things do not belong near homes.

A brownfield site, such as the Firestone plant might make more sense.

Charles Belenky

June 21, 2024

TO: Memphis City Council, Office of Planning and Development, Land Use Control Board Members

FROM: The Concerned Frayser Residents Against the Landfill Expansion and Community Advocate Against Environmental Injustice

RE: Frayser Landfill Expansion

Dear Memphis City Council, Office of Planning & Development, and L.U.C.B. Members:

We are members of the West and East Frayser Community. We oppose allowing Frayser Landfill to expand its business due to the following reasons:

- (1) First and foremost, this landfill expansion does not fit into the protocol of the approved Memphis 3.0 Plan/Accelerated Memphis.
- (2) Embarrassingly, the Welcome to Frayser's sign is located on a landfill site which gives such a negative connotation to where we are trying to go in our future development of Frayser.
- (3) The owners of the Frayser Recycling facility do not live in this Frayser community. The owners have not been good partners via resident's opinions and have gone through extraordinary actions and efforts to push their economic and business agenda thus ignoring the deserves of the residents, health concerns of senior citizens and children, the will of the citizens, and Land Use Control Board prior rulings.
- (4) This expansion is a clear violation of the resident's rights to live in an environment free of unknown circumstances, burning of unknown debris, operating out of the scope of the original landfill agreement, against our rights to live in quiet enjoyment of our beloved community and against our constitutional and human rights to demand environmental justice in our community.
- (5) This is the third attempt to push their opinions, views, and landfill business operations on the citizens of this community with no regard to our concerns, health issues, and community aesthetics. The owners have been at this location for 15 years and have performed no community outreach for the children, senior citizens, or families with limited relationships with their so-called community partners.
- (6) This landfill business is operating under three different names, (1) Frayser Recycling, Memphis Wrecking Company, and Frayser Business Development Center Demolition Landfill. This is not the legal protocol of a business entity operating in the State of Tennessee. Therefore, we do not know the legal business name of this landfill.
- (7) The landfill business could not produce an official signed inspection report in the community meeting held at Impact Ministry on June 3, 2024. This document was

submitted in their LUCB application which is not signed or dated. Consequently, it appears that they do not have a check-in list for material going into the landfill which gives rise to legitimate concerns about what is being taken into this site daily and what materials are being burned on this existing landfill site. We have no proof that this landfill is free of any toxic materials such as asbestos from old shingles, lead in wood, or any other toxic materials. There is no such report that has been presented to the residents in the community meetings. Allegedly, inspection reports have been sparse or nonexistent and if available, it should be public knowledge.

- (8) This landfill expansion has been voted down in the LUCB and attempted numerous times to be presented to the Memphis City Council but with the progressive will of this community it was voted down and it must be voted down again.
- (9) Due to the unknown and unforeseen danger or environmental injustice that can potentially be placed on these surrounding communities, there is no known EPA report to our knowledge.
- (10) This landfill expansion would be in the backdoor of numerous residents who have lived in this community for decades. This landfill expansion would be adjacent to or near a community park and several schools especially Whitney Elementary School.
- (11) These landfills are always placed in underserved and marginalized communities that at times cannot fight for their constitutional rights, human rights, and environmental rights for a good quality of life and quiet enjoyment. Many of the owners of these landfills do not live in these poor neighborhoods and would never place landfills in their beloved communities.
- (12) It is time to place the residents of Frayser livelihood and health over money, business agendas and expansion.
- (13) Many of the alleged L.U.C.B. letters were sent to out-of-town owners and not to the immediate residents that live in the adjacent areas of this existing business and or expansion. The actions of this landfill will affect the residents not the owners of the properties.
- (14) Landfill sites are harmful to the environment and they are predominately placed in African American underserved and marginalized communities considered to be the least resilient. Landfills are one of the causes of climate change. Landfills can cause fires or explosions. Landfills can contaminate soil and water. Landfills alter the fauna. Landfills reduce the value of the surrounding areas and accidents sometimes occur in landfill sites.
- (15) Negative effects regarding landfills can produce objectionable odors and landfill gas can move through soil and collect in nearby buildings. Of the gases produced in landfills, ammonia, sulfides, methane, and carbon dioxide are of most concern. Ammonia and hydrogen sulfide are responsible for most of the odors at landfills.
- (16) Landfills can impact air, water, and land quality. Landfill gas, mainly methane, is produced by decomposing organic waste which contributes to global warming when released into the air. Water moving from, or through, landfill waste forms leachate which has the potential to contaminate nearby surface and groundwater. Particularly, the Frayser Recycling landfill is burning material which was reported to the Shelby County Health Department on June 25, 2024. In the month of June, there were over six siting of burning

from that landfill facility. The Principal Vonda Beaty of Whitney Elementary School adamantly spoke on the burning of material from this facility on June 3, 2024 at the community meeting held at Impact Ministry. Dr. Vonda Beaty, stated, “When this landfill facility burn material the smoke is seen and the smell of rotten flesh is experienced by numerous staff members. Also, this school administrator stated that with the burning from this landfill rats and snakes are seen in the playground and observed crawling up the door entrance ways. She stated that the teachers feared for the children safety, therefore they reframed from letting the children play outside due to the explosion of being bitten by these rodents. At this meeting on June 3, 2024, the staff shared photos with the community members and the owners (Carol and Steven Williamson) on that day. At this meeting, the owners admitted that they did burn material at that site on a daily basis. As of the week of June 17, it was observed again that they were burning materials observed by Peggy Boyd.

- (17) The biggest issue with landfills is the methane that is released due to the decomposing waste which is a potent greenhouse gas that contributes to global climate change. The air ***pollutants escaping from the landfill can also cause respiratory problems in people who live close to the landfill.***
- (18) Property prices are reduced in areas located near these waste landfills, which further perpetuates the devaluation of disadvantaged areas.
- (19) After speaking to the Concerned Frayser Residents Against the Landfill Expansion, we can see great harm to the community by letting this landfill expand on the existing site. We can see problems this would cause the neighbors, local businesses, and the area in general especially operating with no accountability. The potential toxins that industrial plants and landfills can give off can be harmful for decades to come. There are burnings in the landfill now. The neighbors and school officials allege dark foul-smelling smoke is very visible when they burn in the landfill. We need to know what they are burning and what potential toxic fumes may be given off because many people and students have asthma, emphysema, COPD (Chronic Obstructive Pulmonary Disease), etc.
- (20) We are concerned about the ability of this landfill to burn in the city limits when residents cannot burn any materials in their neighborhoods per the City of Memphis ordinance and Shelby County Health Department’s protocol. Burning of material is performed at least twice daily and witnessed by an elder who lives near the landfill and suffers from asthma.
- (21) In 2018, in the Commercial Appeal, the landfill owners stated, “They had two months left of landfill disposal space and then they were supposed to relocate per written document of community leaders. If they had two months left in 2018, how have they been disposing the waste material, and has this led to the owners burning the materials which should violate the original agreement? The ultimate governmental responsibility should be to protect the citizens living around this landfill. This action violated the Tennessee Department of Environment and Conservation Solid Waste Management. “Phased development plan” means a plan for developing a tract of land as a disposal facility in sequential segments, or parcels, provided that the entire tract of land is covered by a permit authorizing such use. As used in this rule, a parcel must be of adequate

acreage to sustain at least five years of use based on estimated solid waste volumes to be handled over that period. Scope of burning at this type of facility. Burning solid wastes for energy recovery or processing solid wastes to produce a fuel or processing solid waste for materials recovery, provided such burning or processing occurs on the site of generation or at a site owned or operated by the same corporation or subsidiaries of such corporation. (xx) The burning of natural and untreated wood, landscaping wastes, and land clearing wastes in either an air curtain destructor or by open burning should be the only exception per RULES OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION SOLID WASTE MANAGEMENT CHAPTER 0400-11-01 SOLID WASTE PROCESSING AND DISPOSAL.

<https://publications.tnsosfiles.com/rules/0400/0400-11/0400-11-01.20210308.pdf>

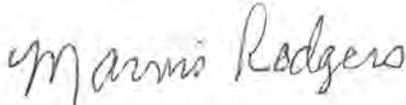
(22) "Solid Waste Landfill (SWLF) Unit" means a discrete area of land or an excavation that receives waste, and that is not a land application unit, surface impoundment, injection well, or **waste pile**. Frayser Recycling has been observed allegedly having piles as high as 80 feet in diameter per feedback of Director of Frayser Community Development Corporation, Steve Lockwood. See attachment.

(23) This program shall be known as the Challenge Grants Program. The purpose of the Program is to assist in the development and implementation of programs to prevent, minimize, recycle, or eliminate toxic and/or hazardous waste generation in keeping with the policy of the state, that "...wherever feasible, the generation of hazardous waste is to be reduced or eliminated as expeditiously as possible. Waste that is nevertheless generated should, in order of priority, be reduced at its source, recovered and reused, recycled, treated, or disposed of so as to **minimize the present and future threat to human health and the environment.**"(T.C.A. § 68-212-201(b)).

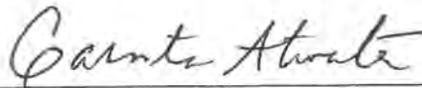
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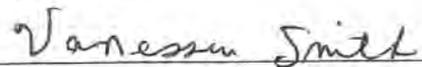
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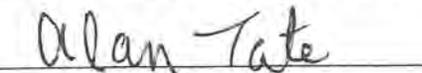
Respectfully,

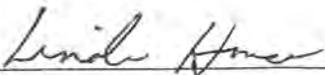
Marvis Rodgers 

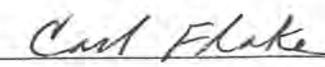
Marvis Rodgers
Citizens Against the Frayser Landfill Expansion

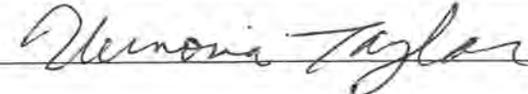














June 27, 2024

Re: Proposed Frayser Recycling Center Planned Development Amendment

Dear Shelby County Land Use Control Board Members,

On behalf of Young, Gifted & Green, an environmental justice and civil rights organization along with other local environmental organizations, we are writing to express our strong opposition to the Frayser Recycling Center Planned Development Amendment proposing an expansion of a landfill in the Frayser community for the second time. Regardless of how many times this applicant applies, this expansion would have detrimental public health impacts on this predominantly Black, economically distressed neighborhood that is already overburdened by environmental hazards.

Frayser is a community that has historically faced systemic environmental racism, with a high concentration of polluting industries, brownfields, and waste facilities located in the area.¹ The existing landfill is already a major source of air, water, and soil pollution for Frayser residents. Studies have shown that Black and economically distressed communities are disproportionately impacted by the negative health effects of living near landfills and other waste facilities.²

The existing facility has experienced numerous fires, as recent as November 2020,³ impacting the surrounding air quality and endangering the lives of first responders.

Expanding the landfill would lead to increased truck traffic, noise, odors, and the release of harmful particulate matter, heavy metals, and other toxic pollutants that can cause serious health problems for Frayser residents.⁴ These include respiratory issues like asthma, cardiovascular disease, cancer, and neurological disorders. Children, pregnant people, and the elderly are especially vulnerable to these public health threats. Based on the EPA's EJScreen Tool, the location of the proposed landfill expansion has a 12,000 index for toxic releases to the air—which is 56% higher than the State of Tennessee and 62% higher than the national average, and a particulate matter index 10% higher than the State of Tennessee and 9% higher than the national average.⁵ Studies have also found elevated cancer rates, especially lung cancer, in communities located near landfill sites.⁶ Additionally, exposure to air pollution from waste facilities has been linked to adverse pregnancy outcomes, such as preterm birth, low birth weight, and birth defects. These pollutants can interfere with normal fetal development.⁷



Landfills discharge leachate, a liquid containing numerous chemical constituents harmful to human health and water resources. New studies have revealed the high presence of PFAS, or “forever chemicals,” in municipal landfill leachate.⁸ With no treatment standards, this emergent contaminant could already be present in the area and expansion of this landfill in a residential area would exacerbate water quality issues the community faces. The Loosahatchie River and surrounding streams are already listed on the EPA’s 303(d) list of impaired streams due to elevated levels of mercury, dioxin, chlordane and more, making it unsafe to eat any fish caught in these streams.⁹

Furthermore, the proposed landfill expansion runs counter to the principles of environmental justice, as it would concentrate an even greater burden of pollution and waste in an already overburdened community of color. This is a clear example of systemic environmental racism that cannot be allowed to continue.

For these reasons, we urge the Land Use Control Board to reject the proposed expansion of the landfill in Frayser. The health and wellbeing of Frayser residents must be the top priority. We must address the legacy of environmental injustice in this community, not continue to exacerbate it.

Thank you for your consideration. We welcome the opportunity to further discuss this critical issue by contacting us at president@younggiftedgreen.org.

Sincerely,

Young, Gifted & Green
Memphis Community Against Pollution
Protect Our Aquifer
Sierra Club Chickasaw Chapter
The Climate Reality Project: Memphis and Mid-South Regional Chapter

¹ Smith, D.A. (2019). Unequal Exposure: The Disproportionate Impact of Environmental Hazards in Memphis’ Communities of Color. *Journal of Environmental Justice*, 12(2), 45-58.

² Wilson, S.M., et al. (2015). Quantitative Analysis of Methane and Benzene in Groundwater near an Urban Landfill. *International Journal of Environmental Research and Public Health*, 12(8), 9350-9370.

³ Fox 13 News Staff. (2020). Large fire at landfill causes smoke to billow for miles in Memphis: <https://www.fox13memphis.com/news>

⁴ Lin, C.J., et al. (2022). Health Impacts of Air Pollution from Landfills: A Systematic Review. *Environmental Health Perspectives*, 130(1), 015001.

⁵ U.S. Environmental Protection Agency. EJScreen: Environmental Justice Screening and Mapping Tool (2024): <https://www.epa.gov/ejscreen>.

⁶ Hubbard, A.K., et al. (2019). The impact of a municipal solid waste landfill on adjacent property values. *Waste Management*, 84, 383-389.

⁷ Stieb, D.M., et al. (2012). A meta-analysis of time-series studies of air pollution and preterm birth. *Environment International*, 45, 162-172.

⁸ Tolaymat, T., N., et al. (2023). A Critical Review of Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Landfill Disposal in the United States. *Science of the Total Environment*, 905, 167185. <https://doi.org/10.1016/j.scitotenv.2023.167185>

⁹ Tennessee Department of Environment and Conservation. (2017). Final Year 2016 303(d) List. https://www.tn.gov/content/dam/tn/environment/water/watershed-planning/wr_wq_303d-2016-final.pdf

JUSTIN J. PEARSON
STATE REPRESENTATIVE
House District 86

rep.justin.j.pearson@capitol.tn.gov

Cordell Hull Building
425 Rep John Lewis Way, Ste. 572
Nashville, TN 37243
(615) 741-4295



MEMBER
State Government Committee

MEMBER
Transportation Full Committee
Transportation Sub Committee

House of Representatives State of Tennessee

113TH GENERAL ASSEMBLY
NASHVILLE, TENNESSEE

June 28, 2024

RE: Proposed Expansion of Memphis Wrecking Company Landfill in Frayser

Shelby County Land Use Control Board
157 Poplar Ave.
Memphis, TN 38103

Dear Shelby County Land Use Control Board,

I am writing to you today as both an elected official and a lifelong Memphian to vehemently oppose the proposed expansion of the Memphis Wrecking Company landfill in the Frayser community. This expansion would have devastating public health consequences for my constituents and further cements the egregious environmental injustices that have long plagued Frayser.

As you are aware, Frayser is a predominantly African American, low-income neighborhood that has been a dumping ground for Memphis' waste and pollution for decades. Studies have shown that communities of color like Frayser suffer disproportionate negative health impacts from living in close proximity to landfills and other polluting facilities. In fact, a 2020 report found that Frayser residents face a cancer risk from air toxins that is more than 2.5 times higher than the national average.¹ The existing Memphis Wrecking Company landfill is already a major source of air, water, and soil contamination in Frayser. Expanding this facility would lead to increased truck traffic, noise, odors, and the release of harmful particulate matter, heavy metals, and other toxic pollutants. These pollutants are proven to cause a wide range of severe health problems, including:

- Respiratory disorders like asthma and COPD, which already affect 23% of children in Frayser compared to 14% nationally²

¹ NAACP. (2020). Frayser, Memphis, TN: Cumulative Impacts & Health Disparities.

² Shelby County Health Department. (2022). Childhood Asthma Prevalence Report.

- Cardiovascular disease and increased risk of heart attacks and strokes, which disproportionately impact African Americans
- Cancer, especially lung cancer, which has a 40% higher incidence rate in Frayser than the rest of Shelby County³
- Neurological disorders such as cognitive impairment and Parkinson's disease, linked to toxic exposure
- Adverse reproductive outcomes and developmental delays in children, who make up 30% of Frayser's population⁴

The children, pregnant women (child-birthing people), elderly, and medically vulnerable residents of Frayser will be disproportionately impacted by these toxic exposures. Enough is enough. We cannot continue to sacrifice the health and wellbeing of this community in the name of profit.

I am calling on the Shelby County Land Use Control Board to reject the proposed expansion of the Memphis Wrecking Company landfill. The people of Frayser deserve to breathe clean air, drink clean water, and raise their families in a healthy environment, free from the burden of environmental racism. This expansion would only compound the injustices Frayser constituents have endured for far too long.

I urge you to prioritize public health and environmental justice in your decision-making. The lives and futures of the Frayser community are at stake. Thank you for your time and consideration.

In Love and Service,



Justin J. Pearson

House Representative, District 86
113th Tennessee General Assembly

³ Tennessee Cancer Registry. (2021). Cancer Incidence Rates by Zip Code.

⁴ U.S. Census Bureau. (2020). Frayser Neighborhood Profile.



Frayser Community Development Corporation
Darrell K. Scott, Executive Director
3684 N. Watkins Street
Memphis, TN 38127
901-354-9402
dscott@fraysercdc.org

Land Use Control Board
Case #PD2024005
Attention- Kendra Cobbs

Dear Land Use Control Board,

For three years from 2014 – 2017 the former Executive Director, Steve Lockwood and hundreds of community members wrote to you asking you to DENY the application for a zoning change allowing the Frayser Recycling Center owned by the Williamson's Memphis Wrecking Company to expand their landfill. The expansion property is adjacent to family homes, Whitney Elementary School and across the street from the Girls Inc. of Memphis Patricia C. Howard Campus and Youth Farm. I currently serve as the Executive Director of Frayser CDC and a recent community forum the principal advised the school each time there is a burning at the center, rats, other rodents, lizards and bugs infest the school through the boiler system etc. This is NOT health for an environment of learning.

In January 2018 the City Council unanimously rejected the Williamson's request for rezoning that stopped the Frayser Recycling Center from expanding their landfill. I am sure you are fully aware of this history, I simply share it to say that the CDC was very involved then, and as a concerned Memphis resident I continue to be dismayed and concerned that this application is submitted again. The factors that led to the rejection in 2018 are not only still valid, but even more so.

The Frayser community spent years working together to identify the hopes, dreams and strategies to increase assets within Frayser. This work resulted in the Frayser 2020 Plan. The community didn't stop at putting words to paper, we have worked collectively to bring it to fruition. Also, the city of Memphis engaged in a similar process city-wide and established the Memphis 3.0 plan. These two planning efforts laid a blueprint for increasing value and livability in Frayser. Since the adoption of these plans and the rejection of an expanded landfill, millions of dollars of healthy and vital community development have occurred. Examples include: Girls Inc. of Memphis Patricia C. Howard Campus and Youth Farm; Memphis Business Academy expansion and shopping center renovation; Renaissance at Steele Apartment redevelopment; Porter Leath Early Childhood Center. In addition to these community-based efforts, the City of Memphis has invested a tremendous amount of resources in Frayser by building a new Ed Rice Community Center and new public library. The county just approved funding to build a new state of the art high school in Frayser. Hundreds of millions of dollars are being invested in Frayser. These are the sorts of investments and expansion efforts that Frayser deserves. Nowhere in the plan or investment strategies for improving the lives of Frayser residents does a landfill make sense.

It is my fervent hope and belief that the Land Use Control Board will stand with me, with the City, County, and Frayser residents who have worked tirelessly and effectively to build assets in Frayser to say NO to the requested zoning change to allow an expanded landfill in Frayser. An expanded landfill has no place adjacent to homes, where children play and learn, where girls grow thousands of pounds of healthy produce annually, where groups gather and celebrate and where community collectively fight for what is right and good in their neighborhood! #DontDumpOnFrayser

Best regards,

Darrell K. Scott

Darrell K. Scott, Executive Director

Ragsdale, Brett

From: Lisa Moore <lisa@moorepossibilities.com>
Sent: Thursday, June 20, 2024 6:15 PM
To: Cobbs, Kendra
Subject: NO to Case #PD2024005 Frayser Recycling and Landfill expansion and rezoning
Attachments: LUCB Letter Case PD2024005.docx

 The CoM Email Security System couldn't recognize this email as this is the first time you received an email from this sender lisa@moorepossibilities.com

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Cobbs,

Please find attached my letter of opposition to the proposed rezoning to allow for expansion of landfill operations by Memphis Wrecking Company in Frayser. As the former CEO of Girls Inc. of Memphis who completed a \$12M facility project across the street from the proposed landfill, I can not say PLEASE SAY NO strongly enough. I plan to attend the July 11th LUCB with my peers to show our collective opposition to this proposal.

Thank you very much for all you do and your consideration in this matter.

Lisa

--

Lisa M. Moore
901.647.3941
lisa@moorepossibilities.com

Moore Possibilities Consulting- Equipping leaders and teams to dream, strategize and mobilize for inspired growth and community impact.

Ragsdale, Brett

From: Rebecca Murray <rpmurray2005@yahoo.com>
Sent: Thursday, June 20, 2024 8:05 PM
To: Cobbs, Kendra
Subject: Please plan to vote NO for the landfill in Frayser PD2024005

 The CoM EmailSecurity System couldn't recognize this email as this is the first time you received an email from this sender rpmurray2005@yahoo.com

CAUTION: This email originated outside of the City of Memphis organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I humbly request you to not support the expansion of the landfill in Frayser.

Our children already at a disadvantage and we have a very high infant mortality rate. The landfill is next to Whitney Elementary School and Girls Inc., which is a large garden. The damage the landfill will cause is unbearable.

Sincerely, Rebecca Murray 2926 N Trezevant Street.

Sent from my iPhone



June 27, 2024

Kendra Cobbs, AICP
Memphis & Shelby County Division of Planning & Development
Memphis, TN 38103

Re: PD 2024-005 Frayser Recycling Center PD Amendment

Dear Ms. Cobbs:

In 2015 various stakeholders from across the Frayser community and elsewhere joined together to oppose Memphis Wrecking Company's (MWC) proposal to expand their existing landfill located at 3086 Coscia Street in the Alta Vista neighborhood in Frayser.

In effort to put this neighborhood into perspective, I will offer the Frayser Neighborhood Initiative (FNI). The FNI is a multi-year, long term effort to support schools and families in Alta Vista. This effort, which also began in 2015 centers around three schools, each of which were taken over by the State of Tennessee due to low test scores. The three schools, MLK Preparatory High, Frayser-Corning Elementary and Whitney Elementary, the latter of which is four hundred feet from the MWC landfill's current location are essential to reshaping the neighborhood.

The primary partners of this endeavor include Urban Renaissance Partners, Neighborhood Preservation Inc. and The Works, Inc. each playing a pivotal role focusing on quality affordable housing, blight elimination and multiple reinvestment efforts surrounding the schools. Each of these organizations are working alongside various community stakeholders to collectively improve and strengthen the 1,000+ parcels that make up the Alta Vista neighborhood, many of which are the residences of families with children attending the mentioned schools.

A common theme in 2015 among the opposition groups' letters and transmittals was that the expansion of the landfill would increase the footprint of an already existing and disruptive land use in close proximity to Whitney Elementary School. Over the next several months, community meetings were held where an overwhelming majority of residents, business owners, educational leaders, civic clubs and landowners vehemently expressed opposition to MWC's plans. Fortunately, the community's outcry was heard, and the application was pulled later that year. Later in 2018, the MWC returned with the same plan in the same location, and again the same community groups arose to oppose the application. This time the proposal made it to the Memphis City Council, in which the landfill was defeated.



In 2021, the seeds of the Frayser Neighborhood Initiative began to bear fruit. Today, Alta Vista is home to an \$18M revitalized affordable housing complex known as Renaissance at Steele. The development provides 146 quality affordable units to families. That same year, the neighborhood premiered an \$11.7M brand new Porter Leath campus focusing on pre-school services, and finally in 2023 a new \$8M headquarters facility for Girls Inc. was also established offering services for girls and their families with activities ranging from greenhouses to cooking facilities.

Each of these investments reflect the needs of Alta Vista as a neighborhood on the comeback in the heart of Frayser, a community long riddled with challenges but also a community noted for its resilience. In addition to the noted new community investments, each of which has been established within the last three years, the MLK Prep site is scheduled to receive a new \$250M high school. As this is currently being planned, our development team (located across the street) has begun predevelopment for a 79- unit apartment development for seniors at an estimated cost of \$19M, both of which are slated to begin construction within the next two years.

It is our opinion that Memphis Wrecking Company's planned development application #2024-005 to create new parcels and expand the existing landfill's demolition operations is a severe detriment to the surrounding community. It is also our assertion that this application is thereby in direct conflict with the *Frayser 2020 Community Revitalization Plan* as well as *Memphis and Shelby County 3.0 Plan*, neither of which support such intrusive land use practices that are associated with the existing landfill.

Thank you for your time and consideration of this transmittal.

Sincerely,

Quincy N. Jones, Director of Programs

Roshun Austin, President & CEO

MARTIN, TATE, MORROW & MARSTON, P.C.

ATTORNEYS AND COUNSELORS

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MIDDLE TENNESSEE /
NASHVILLE OFFICE

P.O. Box 158
200 MAHR AVENUE
LAWRENCEBURG, TN 38464

July 12, 2024

Via Electronic Mail Only

<kendra.cobbs@memphistn.gov>

Kendra Cobbs, AICP
Division of Planning and Development
125 N. Main, Ste. 468
Memphis, TN 38103

Re: Frayser Recycling Center - PD 2024-005

Kendra:

There is an enormous amount of misinformation being spread about my clients' application in a concerted effort to cast a negative light on their proposed expansion. These claims come from public sources and intentionally misrepresent the scope of the Williamsons' business and the planned expansion of their Class III Landfill. I address several of the false and misleading public statements below:

- Claim: "Community concerns about the expansion gained momentum when residents noticed foul smells in the air. Some residents noticed a troubling pattern: It seemed that whenever the landfill operates its incinerator, teachers, students and staff at Whitney Elementary [School] said they noticed an uptick in rodent activity." ~ Tri-State Defender, July 4, 2024.
 - False – The on-site incinerator burns only trees, not any other materials. On June 19, 2024, I provided you the June 15, 2024 letter from environmental consultant Timothy E. Brophy with Brophy-Heineke & Associates, Inc. confirming the absence of rodent food sources on the existing landfill site. Although not caused by the landfill, the Williamsons have offered to assist Whitney Elementary School with any rodent infestation. Their offers of assistance to the school have been ignored.
- Claim: "When they burn at the landfill, the rodents come into the school." ~ Memphis-Shelby County School Board Member Stephanie Love, quoted by the Daily Memphian, July 5, 2024.

July 12, 2024

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- False – Following an on-site inspection, expert environmental consultant Timothy Brophy opined “I expect that the food source for the rats is very likely the Whitney School, which has a cafeteria where uneaten food is routinely disposed of (as in any school).” He further determined that “the rats would find no food within the woods on [Memphis] Wrecking Company property. ... If the rats migrate from the woods to the school, it is most likely the food source at the school which attracts them, not any activities conducted on a demolition landfill, such as this.”
- Claim: “Memphis Wrecking Company appears to diminish the impacts of this landfill operation due to a lack of hazardous material processing, dust and noise from equipment operating on landfill property, as well as the potential for odor/gas leakage from deteriorating construction debris stored on the property will likely disrupt the learning environment for students and negatively impact the school community.” ~ June 2024 Memphis-Shelby County Board of Education Resolution.

- False – Tennessee Class III Landfills and recycling centers, such as the Williamson family business, accept only construction and demolition (C&D) debris. C&D debris is limited to concrete, bricks, wood, glass, metals and other inert, non-hazardous materials. Hazardous materials are strictly prohibited by law. The landfill recycles steel, bricks, concrete, and asphalt; and processes trees into ash and leaves into mulch or soil amendments for landscape use. There are no odors or gas leakages produced by materials accepted by Class III Landfill.

The landfill has peak noise levels no louder than a lawn mower. Sprinklers along internal roads and a wheel wash station, ensure that there is little to no dust from the landfill. Repeated environmental evaluations confirm the landfill site meets or exceeds dust, water quality, and air quality requirements. The expanded landfill will be held to these high standards through ongoing monitoring and analysis.

The attached letter from licensed psychologist Sidney R. Ornduff, Ph.D. confirms there is no disruption of the learning environment for students at Whitney Elementary School. Dr. Ornduff opined: “I continue to see no apparent reason that this particular landfill should be causing learning or psychological problems in school children.”

- Claim: “[T]he landfill expansion ... would extend landfill operations to within 100 feet of the elementary school property as well as affect the use of the public park behind the school.” ~ June 2024 Memphis-Shelby County Board of Education Resolution.
- False – The operational boundary of the landfill itself is approximately 565-feet from Whitney Elementary School and is separated by 100-year-old trees standing ninety feet tall. Hundreds of additional screening trees have been planted.

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Page 3

School student pedestrian activity is concentrated in the north, south, and east of the school and park premises. The planned expansion continues to restrict all vehicle access to the landfill to the entrance on Thomas and exit on Stage and, therefore, insulates higher-traffic areas along Whitney Avenue, avoiding potential conflicts and bolstering overall safety for the students, staff, and visitors.

Carol Williamson and I met in-person on June 28, 2024 with Parks Director Nick Walker, who advised that Memphis City Parks will remain neutral and will not be submitting an opposition to the application.

- Claim: “Recently, plans have been revealed to expand the local landfill, which poses a significant threat to our quality of life, health, and environment. Landfills are notorious contributors to the production of greenhouse gases, specifically methane, which is over 25 times more potent than carbon dioxide in terms of trapping heat in the atmosphere ...” ~ June 16, 2024 Change.org Petition of Marvis Rodgers, entitled Halt the Expansion of the Memphis Landfill.
 - False – As an initial matter, the online petition prominently displays a stock photograph of a Class I garbage Landfill. The photograph is not of the Williamsons’ Class III Construction and Demolition Landfill and is intentionally misleading to the public and the petition’s signers.

Class III Landfills and recycling centers accept C&D debris only. Harmful products are strictly prohibited; and the landfill is subject to intensive inspections by the Shelby County Health Department, Public Works, Fire Department, and others. There are no methane or other gas leakages produced by any material accepted by this landfill.

We have provided you with the several reports, including: (1) Tennessee Division of Solid Waste Management Class III Facility Inspection Report; (2) City of Memphis Storm Water Department Inspection, (3) SCS Environmental Group, LLC Well Sampling Report; (4) Tioga Environmental Consultants Air Noise Monitoring Report; (5) National Econ Corporation Limited Air Quality Inspection (Outdoor Nuisance Dust); and other documentation of ongoing inspections.

- Claim: “A larger landfill means more garbage and therefore a greater possibility of toxic waste seepage, reducing the quality of our soil and contaminating water supplies.” ~ June 16, 2024 Change.org Petition of Marvis Rodgers, entitled Halt the Expansion of the Memphis Landfill.
 - False – This Class III Landfill and recycling center does not accept garbage and processes only C&D debris. The State of Tennessee requires two water quality tests per year for each of the designated water wells located within the landfill.

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Page 4

Since its 2008 inception (over 16 years of operation), twice-annual underground water testing reports have confirmed the drinking water sampled from the site is well within safety limits determined by the Tennessee Department of Environment and Conservation (“TDEC”).

- Claim: “This is an environmental injustice being perpetrated on a community that they think is the least resilient, but we in Frayser know how to fight for our constitutional rights to be free from the environmental burden of a landfill that burns waste and exposes residents to rats and large snakes. Our children at Whitney Elementary School are being subjected to playing around these large rats and snakes as the alleged result of the landfill burning large piles of waste regularly.” ~ June 16, 2024 Change.org online Petition of Carnita Atwater, entitled Stope the Expansion of the Frayser Landfill in Memphis, TN.
 - False – This petition again emphasizes a photograph of an unrelated Class I garbage Landfill and is intentionally misleading to its target audience and signers.

The Williamson family has been deeply rooted in Frayser for a century. They are seeking to expand an existing family business and are not preying on a target community. The State of Tennessee’s Division of Solid Waste Management defines its mission as “to protect, improve, and promote health and environmental quality through the responsive, effective oversight of waste management activities and the beneficial use of recovered materials.” The City of Memphis’s published goal (in waste diversion contract bids) is to “maximize the use of facilities other than Class I landfills, including Class III landfills and recycling facilities to achieve State of Tennessee waste diversion goals....”

The expansion fully addresses the State and City efforts. As such, the Williamsons have recently obtained State of Tennessee approval to expand and have been awarded a five year Class III Disposal Conversion contract by the City of Memphis (their largest customer) and a three year Memphis Light, Gas & Water contract.

There has never been any claim made to the Williamsons concerning snakes. There is no basis in fact for that claim.

- Claim: “We are also concerned about the regulatory nature of this business with how they handle asbestos, lead, and other chemical agents relating to demolition items that spill into the water, ground run-off, air or soil.” ~ June 16, 2024 Change.org Petition of Carnita Atwater, entitled Stope the Expansion of the Frayser Landfill in Memphis, TN.
 - False – There are no toxic materials accepted at this Class III Landfill and recycling center, including a prohibition on asbestos, lead, and other chemical agents.

July 12, 2024

Page 5

Repeated environmental evaluations confirm the landfill site meets or exceeds dust, water quality, and air quality requirements. The expanded landfill will be held to these high standards through ongoing monitoring and analysis.

- Claim: “The most commonly used types of landfills are (a) municipal solid waste landfills, (b) industrial waste landfills, and (c) hazardous waste landfills.” ~ June 16, 2024 Change.org Petition of Carnita Atwater, entitled Stope the Expansion of the Frayser Landfill in Memphis, TN.
 - False – The Williamsons’ business is a heavily-regulated Class III Landfill, which does not accept municipal, industrial, or hazardous waste.

This list is not an exhaustive restatement of the inflammatory statements being made against the Williamsons and their expansion proposal. Rather, it addresses only the most egregious false rhetoric. Simply put, the expansion of this existing business will have not negative impact on the Frayser community or its stakeholders.

The Williamsons have extended open invitations to all Frayser stakeholders to tour their Class III Landfill and recycling center so that each can objectively evaluate the existing facility and the expansion. None of the authors of the inflammatory statements addressed herein has accepted that invitation.

In addition to causing no harm, the landfill expansion affirmatively fulfills goals set forth in several publications addressing the Frayser community, including: the 2003 Frayser Futures Comprehensive Plan; the Frayser 2020 Community Revitalization Plan; and Memphis 3.0. The expansion meets the “Frayser Values” set out in the Frayser Futures Plan by embracing a rural atmosphere while achieving dynamic urban systems; and through the creation of incentives to attract business development. It addresses the Frayser 2020 Community Revitalization Plan’s goals of economic investment in the community; and blight removal through a close partnership between Frayser and Memphis Public Works. The expansion fulfills the goals of the Memphis 3.0 Plan by meeting its “Guiding Values” of growth in business, retail, services, and employment; greater access to jobs and businesses for all; greater use of existing infrastructure capacity to service growth in development and density; and an improved quality of life and economic competitiveness to attract, retain, create, and expand business. Finally, the expansion meets the State of Tennessee and City of Memphis goals to divert appropriate C&D materials from Class I landfills into Class III landfills and recycling facilities.

The City of Memphis is down to two operational Class III C&D Landfills, including the Williamsons’ facility. Without their expansion, there will soon only be one remaining facility into which the State of Tennessee, the City of Memphis, and others can divert C&D materials from Class I landfills.

MARTIN, TATE, MORROW & MARSTON, P.C.

July 12, 2024
Page 6

Please evaluate and consider the foregoing statements in drafting the Staff Report and include within it this letter and each of the referenced documents. Finally, please advise us when we can meet with you in-person, at your office to discuss these and other pressing issues. The requested meeting needs to occur well-prior to the August 8, 2024 LUCB hearing and prior to issuance of the Staff Report.

Thank you for your consideration.

Very truly yours,



Lew Wardlaw

JLW/

Cc: Steven Williamson;
Carol Willaimson; and
David Wade, Esq.

Sidney R. Ornduff, Ph.D.
Licensed Psychologist/Health Service Provider
55 South Cox Street
Memphis, TN 38104
(901) 240-5736 – phone
(844) 364-1241 – fax
sidney.ornduff@comcast.net

October 9, 2017

Steven L. Williamson, President
Memphis Wrecking Company, Inc.
2301 South Third Street
Memphis, TN 38109

Dear Mr. Williamson,

Thank you for your time on the morning of 9/25/2017, and for allowing me to again tour your worksite at 2948 Thomas Street and the surrounding area. It was helpful for me to observe the site, both landfill and buffer, see the various crews at work, and view the site from the surrounding area under dry weather conditions. As you recall, there was a steady rain during my initial visit to the site on 9/12/2015, and at that time I asked whether I could re-visit the site during fair weather.

Based on my recent observations and my conversations with you and Mr. Gene Bryan, I continue to see no apparent reason that this particular landfill should be causing learning or psychological problems in school children.

Please let me know if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be 'S. Ornduff', followed by the text 'Ph.D.' written in a smaller, less distinct hand.

Sidney R. Ornduff, Ph.D.

MARTIN, TATE, MORROW & MARSTON, P.C.

ATTORNEYS AND COUNSELORS

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P.O. Box 158
200 MAHR AVENUE
LAWRENCEBURG, TN 38464

July 18, 2024

Via Electronic Mail Only

Brett.Ragsdale@memphistn.gov

Brett Ragsdale, AIA
Zoning Administrator
Division of Planning and Development
125 N. Main, Ste. 468
Memphis, TN 38103

Re: Frayser Recycling Center - PD 2024-005

Brett:

On July 17, 2024, you sent me several additional petitions and letters newly-submitted to your office in opposition to my clients' application. While it is somewhat repetitive of the issues raised in my July 12, 2024 letter to Kendra Cobbs, many of the claims raised in these new materials are simply and knowingly false. I address several of those false claims here, and again stress the importance of an in-person meeting with your team and my clients prior to the Staff Report's being drafted. With Kendra Cobbs no longer acting as the staffer assigned to this case, the in-person meeting request is all-the-more critical.

- Claim: "Quiet enjoyment and freedom from the expansion of a landfill in our neighborhood is a Human and Civil Rights!" ~ Undated Petition Against the Expansion of the Landfill.

False – The Williamsons seek to expand an existing family business and are not attacking the civil rights of any of Frayser's residents. The mission of the State of Tennessee's Division of Solid Waste Management is "to protect, improve, and promote health and environmental quality through the responsive, effective oversight of waste management activities and the beneficial use of recovered materials." The City of Memphis stresses publishes its related goal to "maximize the use of facilities other than Class I landfills, including Class III landfills and recycling facilities to achieve State of Tennessee waste diversion goals...." The expansion fully addresses these efforts. The Williamsons have recently obtained State of Tennessee approval to expand and have been awarded a five year Class III Disposal Conversion contract by the City of Memphis (their largest customer) and a three year Memphis Light, Gas & Water contract.

July 18, 2024

Page 2

- Claim: “While landfills are required to have plastic or clay lining by federal regulation, these liners tend to have leaks. This can result in leachate, a liquid produced by landfill sites, contaminating nearby water sources, and further damaging ecosystems.” ~ Undated Petition Against the Expansion of the Landfill.
 - False – The petition addresses Class I Garbage Landfills. The Williamsons operate a Class III Construction and Demolition Landfill. The claim is intentionally misleading to the public and the petition’s signers. Class III Landfills and recycling centers accept C&D debris only. Harmful products are strictly prohibited; and the landfill is subject to intensive inspections by the Shelby County Health Department, Public Works, Fire Department, and others. There is no leachate produced by any material accepted by this landfill.

- Claim: “This expansion has been voted down in the Memphis City Council numerous times with the progressive will of this community and must be voted down again.” ~ Boilerplate June 3, 2024 Letter with unknown author.
 - Misleading – The Memphis City Council originally set a different application for a December 5, 2017 Public Hearing. The matter was held and re-set for a January 9, 2018 hearing. Notwithstanding the removal of the “held” application from the agenda, and without allowing the Williamsons or their supporters to speak, the Council heard objections to the Application. Once reconvened at the January 9, 2018 Council hearing, the Williamsons’ representative requested that a presentation by DPD staff, and that the Williamsons be allowed sufficient time to present the application and respond to those in opposition. They were flatly refused. Rather, absent any opportunity for the Williamsons to speak in support of their application, the Council summarily denied the Application with no procedural due process of any kind. On February 27, 2018, the Williamsons filed in Shelby County Chancery Court a Petition for Writ of Certiorari appealing the refusal to be heard. On December 18, 2023, the Chancery Court entered its Order on the Williamsons’ Nonsuit of their appeal. The nonsuit of the Williamsons’ appeal placed all parties in the position “as if no action had been brought at all.”

- Claim: “There is no known EPA report from my knowledge.” ~ Boilerplate June 3, 2024 Letter with unknown author.
 - False – We have provided your office with several signed reports, including: (1) Tennessee Division of Solid Waste Management Class III Facility Inspection Report; (2) City of Memphis Storm Water Department Inspection, (3) SCS Environmental Group, LLC Well Sampling Report; (4) Tioga Environmental Consultants Air Noise Monitoring Report; (5) National Econ Corporation Limited Air Quality Inspection (Outdoor Nuisance Dust); and other documentation of ongoing inspections.

July 18, 2024

Page 3

- Claim: “Many of the alleged L.U.C.B. letters were sent to out-of-town owners and not to immediate residents that lives in the adjacent area of this business and or expansion.” ~ Boilerplate June 3, 2024 Letter with unknown author.
 - False – The Williamsons’ application met or exceeded all notice requirements contained in the Unified Development Code. They have held two stakeholder meetings, and have met one-on-one with many residents. They currently are seeking a third stakeholder meeting. They have publicly issued an open invitation to visit and tour the landfill site at any time. Any stakeholder that has not met with the Williamsons has simply refused to engage with them.
- Claim: “The landfill business could not produce an official signed inspection report in the community meeting held at Impact Ministry on June 3, 2024.” ~ June 21, 2024 Letter of Marvis Rodgers.
 - False – The Williamsons produced a signed copy of the requested report. The recipient refused to accept the validity of the E-Signature. We have provided your office and have made publicly-available years of signed reports.
- Claim: “The biggest issue with landfills is the methane gas that is released due to decomposing waster which is a potent greenhouse gas that contributes to global climate change. The air pollutants escaping from the landfill can also cause respiratory problems in people who live close to the landfill.” ~ June 21, 2024 Letter of Marvis Rodgers.
 - False – This claim addresses Class I Garbage Landfills. Class III Landfills and recycling centers accept C&D debris only. Harmful products are strictly prohibited; and the landfill is subject to intensive inspections by the Shelby County Health Department, Public Works, Fire Department, and others. There are no methane or other gasses produced by any material accepted by this landfill.
- Claim: “We are also concerned about the regulatory nature of this business with how they handle asbestos, lead, and other chemical agents relating to demolition items that may spill into the water, run-off, groundwater, air, or soil.” ~ June 21, 2024 Letter of Marvis Rodgers.
 - False – C&D debris is limited to concrete, bricks, wood, glass, metals and other inert, non-hazardous materials. Hazardous materials are strictly prohibited by law. The landfill recycles steel, bricks, concrete, and asphalt; and processes trees into ash and leaves into mulch or soil amendments for landscape use. Repeated environmental evaluations confirm the landfill site meets or exceeds dust, water quality, and air quality requirements. The expanded landfill will be held to these high standards through ongoing monitoring and analysis.

July 18, 2024

Page 4

- Claim: “The existing landfill is already a major source of air, water, and soil pollutants for Frayser residents.” ~ Unsigned June 27, 2024 Letter from Young Gifted & Green.

False – There is absolutely no evidence to this intentionally false claim. Repeated environmental evaluations confirm the landfill site meets or exceeds dust, water quality, and air quality requirements. Since its 2008 inception (with over 16 years of operation), twice-annual underground water testing reports have confirmed the drinking water sampled from the site is well within safety limits determined by the Tennessee Department of Environment and Conservation (“TDEC”).

- Claim: “Landfills discharge leachate, a liquid containing numerous chemical constituents harmful to human health and water resources. New studies have revealed the high presence of PFAS, or ‘forever chemicals,’ in municipal landfill leachate. With no treatment standards, this emergent contaminant could already be present in the area and expansion of this landfill in a residential area would exacerbate water quality issues the community faces.” ~ Unsigned June 27, 2024 Letter from Young Gifted & Green.

- False – Hazardous materials are strictly prohibited at this site. Repeated environmental evaluations confirm the landfill site meets or exceeds dust, water quality, and air quality requirements. The expanded landfill will be held to these high standards through ongoing monitoring and analysis.

- Claim: “The children, pregnant women (child-birthing people), elderly, and medically vulnerable residents of Frayser will be disproportionately impacted by these toxic exposures. Enough is enough. We cannot continue to sacrifice the health and wellbeing of this community in the name of profit..” ~ June 28, 2024 Letter from State Representative Justin J. Pearson.

- False – Hazardous materials are strictly prohibited at this site. Repeated environmental evaluations confirm the landfill site meets or exceeds dust, water quality, and air quality requirements. The expanded landfill will be held to these high standards through ongoing monitoring and analysis.

Again, this letter does not address all of the continued false statements being made against the Williamsons in the newly-produced materials. It would be impossible to address every false claim in a manageable letter. That said, virtually every claim presented, and all of the opposition to the expansion, is based on unfounded fears of a Class I Garbage landfill. The Williamsons do not seek approval of that type of landfill. To the contrary, the Williamsons’ expansion seeks to achieve the opposite ends by directly addressing the State of Tennessee and City of Memphis goals of diverting C&D materials from Class I landfills into Class III landfills.

MARTIN, TATE, MORROW & MARSTON, P.C.

July 18, 2024
Page 5

Please include this letter in the Staff Report submitted to the Land Use Control Board and evaluate and consider the facts presented. **Also, please advise when we can meet with you in-person, at your office, or at the landfill site to discuss these issues.**

Thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Lew Wardlaw', with a long horizontal flourish extending to the right.

Lew Wardlaw

JLW/

Cc: Steven Williamson;
Carol Willaimson; and
David Wade, Esq.

To:
Memphis City Council
Office of Planning and Development
Land Use Control Board Members

Date: 5-7-24

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am a member of the West Frayser Community. I am in favor of allowing Frayser Landfill to expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,

Alexander Dumas
DRIVER CITY

To:

Memphis City Council
Office of Planning and Development
Land Use Control Board Members

Date: 5-7-24

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am a member of the West Frayser Community. I am in favor of allowing Frayser Landfill to expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely, *Ellis Watkins*
GRASS LAWN MAINTENANCE



Calvary

BAPTIST CHURCH

Memphis City Council
Office of Planning and Development
Land Use Control Board Member

May 3, 2024

Dear City Council, Office of Planning & Development and, L.U.C.B. Members,

I am in favor of allowing Frayser Landfill to expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause to the neighbors, local businesses, or to the area in general. It is well landscaped and out of view. They have a well-run business and keep the whole area clean. They have improved the property greatly from what it used to be. Also, they employ local citizens.

I have personally known Steve Williamson for over 45 years and I believe him to be an honest, sincere, and generous man.

Sincerely,

A handwritten signature in black ink that reads "Robert L. Hooker". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Dr. Robert Hooker

To:
Memphis City Council
Office of Planning and Development
Land Use Control Board Members

Date: 5-3-24

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am a member of the West Frayser Community. I am in favor of allowing Frayser Landfill to expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,

PREVILLE Machine works

MIKE PEARSON Heavy Equip Welding



901/774-4011
FAX 901/946-9793
www.memphiswrecking.com
EMAIL: info@memphiswrecking.com

Steven L. Williamson
Third Generation Since 1935
President

DEMOLITION
CONTRACTORS

Office • Salvage Yard
2301 So. Third St. • Memphis, TN 38109

To:
Memphis City Council
Office of Planning and Development
Land Use Control Board Members

Date: *4/17/24*

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am in favor of allowing Frayser Landfill to expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped an out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,

Mark Ward (MARK WARD)
SEC/TREA/Principal
ACI, INC.
1010 STAGE AVE. / 38127

To:

Memphis City Council
Office of Planning and Development
Land Use Control Board Members 3/2/24

Date:

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am a member of the West Frayser Community. I am in favor of allowing Frayser Landfill to expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,

Anna Luna

To:
Memphis City Council
Office of Planning and Development
Land Use Control Board Members

Date: 4-4-29

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am in favor of allowing Frayser Landfill to expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,

Billy J. Wadlow
Wadlow Garage



Demolition Competitor
CHANDLER DEMOLITION Co., Inc.
Commercial, Industrial and Residential Demolition Contractors

April 2, 2024

Memphis City Council
Office of Planning and Development
Land Use Control Board Members

Dear member of Memphis City Council, OPD, and Land Use Control Board:

The Memphis Wrecking Company Frayser Landfill and Recycling site is requesting expansion to continue providing for the community, as well as the industries it serves. The facility employs people from the local community, boosts commerce for nearby businesses, and provides a service that is not only a necessity for the private construction & demolition industries, but also for the City of Memphis and its citizens alike by way of disposal of residential yard waste/limbs/etc. Travelling past the facility, it is difficult to realize that a Class III landfill exists along Thomas between Stage and Whitney. The facility is concealed by a combination of fencing, earthen berms, trees, a railway, and buildings. The visual, olfactory, and auditory nature of the facility is virtually non-existent to surrounding businesses, schools, passersby, and residents in the area. Areas surrounding the facility have been well maintained and kept in a clean and orderly condition, something I believe the owner/operator executes very well and takes pride in. There is a need for continued expansion of local landfills in the area in order to support businesses such as my firm, as we not only have a huge demand for disposal, but also recycling. For the aforementioned reasons as well as so many more, I fully support the expansion of The Memphis Wrecking Company Frayser Landfill and Recycling site.

Sincerely

Matt Chandler

Vice President of Operations

Chandler Demolition Co., Inc.



To:
Memphis City Council
Office of Planning and Development
Land Use Control Board Members

Date: 4-3-24

Minority Contracting
5 dump trailers
shop directly across
from Recycling Center
on Whitney

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am a member of the West Frayser Community. I am in favor of allowing Frayser Landfill to expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,

Chauncey Champion

We are Good with everything

1110 Whitney 901-254-3232

04-03-24



5/25/16

To whom it may concern:

My name is Ken Robinson, owner of Coopertown Services located at 1099 Stage Road, Memphis TN, 38127. I am located just south of the landfill. Memphis wrecking is a good neighbor and maintains their property and landscaping well. I have been at this location for over 35 years and have had no problems with the current landfill operation and I support the proposed expansion.

Ken Robinson
President



Impact Baptist Churches
and Ministries

3000 N. Main Street

June 10, 2015

Land Use Control Board
425 North Main Street
Memphis, TN 38103

Dear Land Use Control Board:

It is my pleasure to write this letter in support of Memphis Wrecking expanding their landfill business in the Frayser community.

I have known the Williamson family for several years and they have been very cooperative and supportive of the Frayser community. From my knowledge they have addressed concerns and followed all the local and State regulations that are required of them.

They also have on several occasions generously donated building materials and other items to assist our church and other non-profit programs.

Additionally, I have attended meetings in the past supporting the approval of their business operating in the Frayser community. I am also familiar with their operation and they have my full support of Memphis Wrecking expanding their landfill business.

Please do not hesitate to contact me with any further questions at: (901) 415-5748.

Sincerely,

A handwritten signature in black ink, appearing to read "M.C. Ellis, Sr.", is written over a faint, illegible typed name.

M.C. Ellis, Sr.

TN Baptist Convention President 2015 - 2016

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

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

To:

Memphis City Council
Office of Planning and Development
Land Use Control Board Members

Date: 4-2-29

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am a member of the West Frayser Community. I am in favor of allowing Frayser Landfill to expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,

David Vachon

Gate Man
Ticket Man
Frayser Recycling

4-11-24

Don Morgan
Driver City
WE NEED THIS
LANDFILL TO
STAY OPEN

3086 Roscia Street
Memphis, TN
June 10, 2015

Land Use Control Board / City Council

I am in support of the Williamsons' proposal to expand the landfill provided that they follow all Local and State required regulations.

Among the many things the Williamsons have done to improve the area over the years is the restoration of the "Welcome to Frayser" sign that had to be removed from the expressway, and the Williamsons, as a kind gesture, had the sign restored and installed in front of their facility with a crepe myrtle planted on each side. The Williamsons drastically improved the entrance to Frayser years ago by demolishing the old liquor store and by adding landscaping with sprinkler systems and a maintenance program. The Williamsons have also donated materials to help with community projects such as the loads of clay that were donated for the Rugby Memorial Project.

I have been dealing with the Williamsons for over five years, and I have found them to be pleasant and easy to work with. They have followed all previous regulations that were required of them and have gone above and beyond to improve the surrounding area. I consider them an asset to the community and as personal friends.

Sincerely,
Dorothy Roscia
Alta Vista Neighborhood Assoc. President

To:
Memphis City Council
Office of Planning and Development
Land Use Control Board Members

Date: 4/3/2024

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,

Dina Adair

I've known Mr. Williamson for some years. He is a trustworthy man with a high sense of honor. He has been trying for multiple years to have the Memphis City Council approve the expansion of his business. The Council comes back again and again with new stipulations on what he must do to gain their approval. This is beyond comprehension how he is still waiting for approval. Is there a point that he will?

April 15, 2024

Division of Planning and Development
125 N. Main, Ste 468
Memphis, TN 38103

We have been made aware that Frayser Landfill is seeking approval to expand their current site at 2948 Thomas St. As one of their main suppliers over many years, we are asking you to approve the expansion since it will help maintain our business, continue to provide jobs and also keep small businesses alive in the Frayser Community.

We find no reason for this project not to move forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Cliff Favreau". The signature is fluid and cursive, with a long horizontal stroke at the end.

Cliff Favreau
Irrigation Doctor
irridocoffice@yahoo.com
901-481-7054

To:

Memphis City Council
Office of Planning and Development
Land Use Control Board Members

Date: 3/19/24

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am a member of the West Frayser Community. I am in favor of allowing Frayser Landfill to expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,

Jason Vickers
Jason Vickers

Foreman/supt

\$ 90,000 - \$ 100,000
PER YR
+ BENEFITS
+ O.T. ...



South neighbor

JEFF VINCENT
INSIDE SALES

950 STAGE AVE
MEMPHIS, TN 38127
Office 901-353-5363
Mobile 901-791-8729
Email: JVincent@certex.com

To:
Memphis City Council
Office of Planning and Development
Land Use Control Board Members

Date: 4-2-20

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am a member of the West Frayser Community. I am in favor of allowing Frayser Landfill to expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,



South Neighbor

To:
Memphis City Council
Office of Planning and Development
Land Use Control Board Members

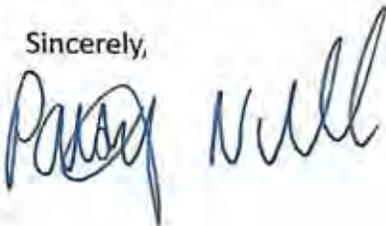
Date: 4-2-24

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

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After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,



To:
Memphis City Council
Office of Planning and Development
Land Use Control Board Members

Date: 3-19-24

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am a member of the West Frayser Community. I am in favor of allowing Frayser Landfill to expand their business.

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Sincerely,

John K Daly

Equip operator
Truck Driver

20/hr

+ BENEFITS
LOTS OF O.T.

To:

Memphis City Council
Office of Planning and Development
Land Use Control Board Members

Date:

4-3-21

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am a member of the West Frayser Community. I am in favor of allowing Frayser Landfill to expand their business.

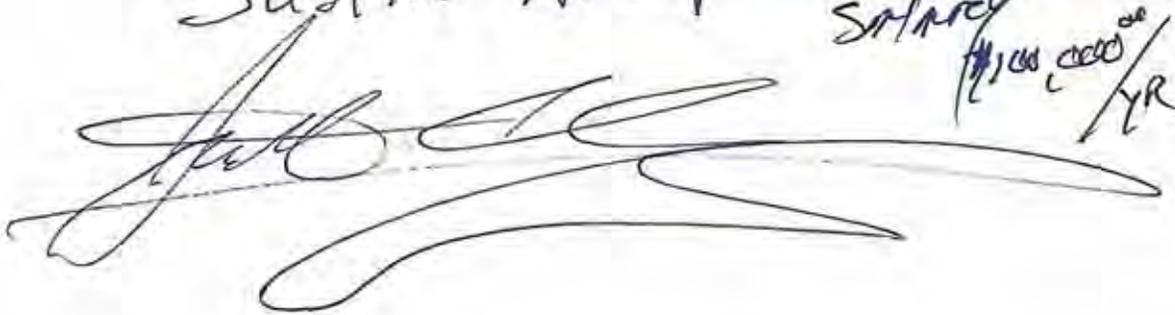
After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,

10yr - employee

JUSTIN ALSUP Mechanic
Salary

\$1,000,000⁰⁰
/YR



4-9-24

Keep this site
open please. I
like dumping here
It's closer and
more convient and
they are really nice.

Truck#
Thanks, 3537
City of Memphis

To:
Memphis City Council
Office of Planning and Development
Land Use Control Board Members

Date: 4-12-24

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am a member of the West Frayser Community. I am in favor of allowing Frayser Landfill to expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,

Bernardo Luna

To:
Memphis City Council
Office of Planning and Development
Land Use Control Board Members

Date: 4-12-24

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am a member of the West Frayser Community. I am in favor of allowing Frayser Landfill to expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,



Handwritten signature of Julian Luna. The signature is written in cursive and is somewhat messy, with some overlapping lines. The name "Julian Luna" is clearly legible.

To:

Memphis City Council
Office of Planning and Development
Land Use Control Board Members

Date: 4-12-24

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am a member of the West Frayser Community. I am in favor of allowing Frayser Landfill to expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,

Christopher Avola

To:
Memphis City Council
Office of Planning and Development
Land Use Control Board Members

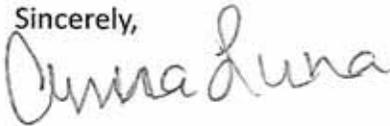
Date: 4-12-24

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am a member of the West Frayser Community. I am in favor of allowing Frayser Landfill to expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped an out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,

A handwritten signature in cursive script that reads "Anna Luna".



Men's Emergency Shelter | Calvary Colony | Wright Transitional House | Moriah House | Intact Family Ministry | Grace Church

June 25, 2013

Mrs. Carol A. Williamson, CEO
Memphis Wrecking Company, Inc.
2301 S. Third St.
Memphis, TN 38109

Re: Letter of Reference

Dear Mrs. Williamson:

We are happy to provide you with a letter of reference for Memphis Wrecking Company. Memphis Union Mission has used your firm to demolish buildings and their respective infrastructures on three separate projects. These projects were successfully completed by your crews within the parameters we established.

Working with your firm has been both enjoyable and professional on all levels. We look forward to a continued relationship with you and Memphis Wrecking Company in the future. Please do not hesitate to use us as a reference for your company.

Sincerely,



D. Scott Bjork
President & CEO



To:
Memphis City Council
Office of Planning and Development
Land Use Control Board Members

Date: April - 3 - 2024

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,

Michael Adair

I have known Mr. Williamson for years. He is a man of honor and integrity, a rare commodity these days.

To:
Memphis City Council
Office of Planning and Development
Land Use Control Board Members

Date: 4-3-24

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am a member of the West Frayser Community. I am in favor of allowing Frayser Landfill to expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,

MIKE SPENCER



1 employer
2 Laborer
Service
Equipment
A 15/hr
of BENEFITS
O.T.

To:
Memphis City Council
Office of Planning and Development
Land Use Control Board Members

3005 THOMAS
FRAYSER

Date: 4-3-24

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am a member of the West Frayser Community. I am in favor of allowing Frayser Landfill to expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,

Mohamad Ayesh

↑
neighbor next to
LANDFILL north
By R.R. TRACTS.

OWNS 5
MARATHON GAS
STATIONS
40 employees

South Neighbor



To:
Memphis City Council
Office of Planning and Development
Land Use Control Board Members

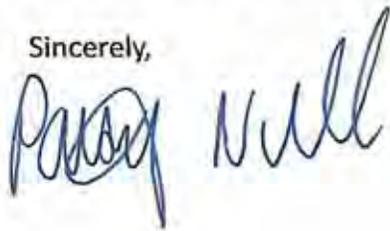
Date: 4-2-24

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am a member of the West Frayser Community. I am in favor of allowing Frayser Landfill to expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,



To: O'Reilly's Thomas St.
Memphis City Council
Office of Planning and Development
Land Use Control Board Members

Date: 5-26-21

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am a member of the West Frayser Community. I am in favor of allowing Frayser Landfill to expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,

Adam Shumpert
M. B. H.
Logan Shumpert
Deana Bourne
Morgan Martin
Dan Hicks
Becky Lockhart
Shela Jenkins

Haley Shumpert
Jay Howard
Michael Shumpert
Dey Lutz
Jason Bourne
Gloria Tucker
Stanley Crumbaugh
William Crumbaugh

Please

3-26-28

Do NOT
Close

AGAIN

3530
CITY DRIVER
WOMAN

Phyllis L. Stone
Clean Professional

To:

Memphis City Council
Office of Planning and Development
Land Use Control Board Members

Date:

4-26-20

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am in favor of allowing Frayser Landfill to expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,



Aratrice
Welding \$160/hr

Sidney R. Ornduff, Ph.D.
Licensed Psychologist/Health Service Provider
55 South Cox Street
Memphis, TN 38104
(901) 240-5736 – phone
(844) 364-1241 – fax
sidney.ornduff@comcast.net

October 9, 2017

Steven L. Williamson, President
Memphis Wrecking Company, Inc.
2301 South Third Street
Memphis, TN 38109

Dear Mr. Williamson,

Thank you for your time on the morning of 9/25/2017, and for allowing me to again tour your worksite at 2948 Thomas Street and the surrounding area. It was helpful for me to observe the site, both landfill and buffer, see the various crews at work, and view the site from the surrounding area under dry weather conditions. As you recall, there was a steady rain during my initial visit to the site on 9/12/2015, and at that time I asked whether I could re-visit the site during fair weather.

Based on my recent observations and my conversations with you and Mr. Gene Bryan, I continue to see no apparent reason that this particular landfill should be causing learning or psychological problems in school children.

Please let me know if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be 'S. Ornduff', with 'Ph.D.' written in smaller letters to the right of the signature.

Sidney R. Ornduff, Ph.D.

- ① GRANDPARENTS
LIVED IN FRAYSER
ON MARSH STREET
ANNE + JESSE McDaniel
- 2) Bob Young - Uncle bob
LIVED ON ORCHID ST.
- 3) Roberts PARENTS
OVERTON CROSSING

To:
Memphis City Council
Office of Planning and Development
Land Use Control Board Members

FRAYSER RESIDENT
SINCE 1962

Date:
4-2-29

Most buried
in cemetery
on Hwy 51 North.

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am a member of the West Frayser Community. I am in favor of allowing Frayser Landfill to expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely, Robert Young

I have lived at 1582 DELANO AVE 38127, 38 yrs. My family has lived in Frayser since 1962. Before 1962 the family lived in North Memphis and Palmyra area. In some what the family historian, my family came up the Mississippi on a house boat and took up residence tied up to a spot at the foot of Action in 1916 or earlier 1917. My family were poor and referred to as Riverrats. Worn hand me down clothes, my Grandfather was a fisherman, trapper and painter by trade. I'm glad to see a business move into Frayser, they are not doing no harm, I see nothing but a plus.

STEVE WILLIAMSON COUSIN

Frayser Landfill Expansion

From: Email Team <funfam1990@att.net>
To: Memphiswrecking Info <info@memphiswrecking.com>
Subject: Frayser Landfill Expansion
Date: Thursday, April 04, 2024 8:33 AM
Size: 15 KB

4/3/2024

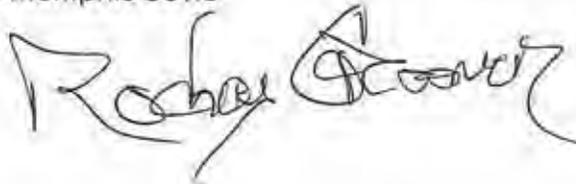
Dear City Council, Office of Planning & Development, and LUCB Members

My name is Rodney Greener. I have lived in Memphis for 46 years and have been a close friend and of Steve and Carol Williamson for 40 years. I attended their presentation to the City Council in 2014 and have visited the landfill many times since then to see the progress my friend has been making on the project. I have seen the area improvements from a Drive-In theater, *Demolished* after the drive-in closed, and now, to a beautiful, flat, clean area, suitable for any building project. I have walked or driven around the whole area and listened to Steve describe the painstaking process of meeting the governmental regulations and steps he has taken to address environmental concerns and improve the area.

Steve is an honest man in his personal and business life. He has always delt honestly and fairly with everyone he deals with. He would and has walked away from anything he feels isn't being *Honestly*. He seeks to do his best and improve every situation he faces. He is generous, donating to local charities and and helping local churches for a reduced price or for free. Steve is a good family man and a good member of the Memphis community. He has talked to members of the Frayser community, offering to help improve the community or donate services to make the community better.

I believe that granting his proposal for expansion would further improve the community and create an area when finished that the whole community would take pride in. Please grant the expansion.

Rodney Greener 6947 Stout Rd. Memphis 38119



Sent from AT&T Yahoo Mail for iPhone

XXX
RATED
OUTDOOR →

+
Liquor
store
←

April 15, 2024

Division of Planning and Development
125 N. Main, Ste 468
Memphis, TN 38103

We have been made aware that Frayser Landfill is seeking approval to expand their current site at 2948 Thomas St. As one of their main suppliers over many years, we are asking you to approve the expansion since it will help maintain our business, continue to provide jobs and also keep small businesses alive in the Frayser Community.

We find no reason for this project not to move forward.

Sincerely,



Chris Ryan
Owner, Signs First

WebNet Memphis, Inc.
Dba: WorldSpice Technologies
5050 Poplar Ave. Suite 525
Memphis, TN. 38157
Phone: 901.843.9300
Fax: 901.843.9301

worldspice



Seasoned Internet Professionals

April 22, 2024

Division of Planning and Development
125 N. Main, Ste. 468
Memphis, TN 38103

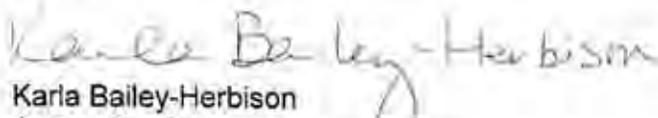
Re: Frayser Landfill expansion
2948 Thomas St.

To Whom It May Concern:

Our company has been made aware that Frayser Landfill is seeking approval for expansion at their current location at 2948 Thomas Street. As a long-time supplier, we are respectfully requesting that the expansion be approved. This approval will not only help maintain our business interests in the area, but will also continue to provide jobs and allow small businesses to continue to thrive in the community of Frayser.

We see no reason why this project should not proceed.

Sincerely,


Karla Bailey-Herbison
Accounting Manager

To:
Memphis City Council
Office of Planning and Development
Land Use Control Board Members

Date: 5-1-24

Dear City Council, Office of Planning & Development and L.U.C.B. Members:

I am in favor of allowing Frayser Landfill to expand their business.

After speaking with the owners, I see no harm to the community by letting them expand on the existing site. I cannot foresee any problems this would cause the neighbors, local business or the area in general. It is well landscaped and out of view. They employ local citizens. They have a well-run business and keep the whole area clean and neat and they have improved the property greatly from how it used to be.

Sincerely,

Jameshu Thomas
Manager at Mc'Donalds
319 N THOMAS.

Date 5-1-24

Division of Planning and Development
125 N. Main, Ste 468
Memphis, TN 38103

We have been made aware that Frayser Landfill is seeking approval to expand their current site at 2948 Thomas St. As one of their main suppliers over many years, we are asking you to approve the expansion since it will help maintain our business, continue to provide jobs and also keep small businesses alive in the Frayser Community.

We find no reason for this project not to move forward.

Sincerely, *ou*
mohammed Rahman
MAROTON. GAS STATION
SOUTH SIDE LANDFILL

Mike Bogenschneider

Chief Executive Officer

7265 Hwy 51 N.
Millington, TN 38053

Cell: 901.489.7695
Dispatch: 901.872.2796

mikeb@flagcitymail.com



Date

5-1-29

Division of Planning and Development

125 N. Main, Ste 468

Memphis, TN 38103

We have been made aware that Frayser Landfill is seeking approval to expand their current site at 2948 Thomas St. As one of their main suppliers over many years, we are asking you to approve the expansion since it will help maintain our business, continue to provide jobs and also keep small businesses alive in the Frayser Community.

We find no reason for this project not to move forward.

Sincerely,

Mike Bogenschneider

Holms + Son
TOWING

961
Whitney

Date 5-2-21

Division of Planning and Development
125 N. Main, Ste 468
Memphis, TN 38103

We have been made aware that Frayser Landfill is seeking approval to expand their current site at 2948 Thomas St. As one of their main suppliers over many years, we are asking you to approve the expansion since it will help maintain our business, continue to provide jobs and also keep small businesses alive in the Frayser Community.

We find no reason for this project not to move forward.

Sincerely,


Tavaricus Foster

Best Waste
mwe purchases
\$200,000/yr - Frayser Recycling

Date

5-1-29

Division of Planning and Development
125 N. Main, Ste 468
Memphis, TN 38103

We have been made aware that Frayser Landfill is seeking approval to expand their current site at 2948 Thomas St. As one of their main suppliers over many years, we are asking you to approve the expansion since it will help maintain our business, continue to provide jobs and also keep small businesses alive in the Frayser Community.

We find no reason for this project not to move forward.

Sincerely,

Allen Kelly

AUTOZONT

3166 N THOMAS



Memphis and Shelby County Division of Planning and Development

East Service Center: 6465 Mullins Station Rd; Memphis, Tennessee 38134

Downtown Service Center: 125 N. Main Street; Memphis, Tennessee 38103

website: www.develop901.com

Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Processing

Opened Date: May 10, 2024

Record Number: PD 2024-005

Expiration Date:

Record Name: Frayser Recycling Center PD Amendment

Description of Work: Please pages 1 and 2 for project description in the Letter of Intent.

Parent Record Number:

Address:

3086 COSCIA ST, MEMPHIS 38127

Owner Information

Primary Owner Name

Y

Owner Address

Owner Phone

Parcel Information

070024 00001

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	Brett Ragsdale
Date of Meeting	05/15/2024
Pre-application Meeting Type	In Person

GENERAL PROJECT INFORMATION

Planned Development Type	Amendment to Existing PD
Previous Docket / Case Number	PD 10-312 PD 07-310
Medical Overlay / Uptown	No
If this development is located in unincorporated Shelby County, is the tract at least three acres?	N/A

GENERAL PROJECT INFORMATION

(Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)

Is this application in response to a citation, stop work order, or zoning letter No

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information n/a

APPROVAL CRITERIA

APPROVAL CRITERIA

UDC Sub-Section 9.6.9A

The proposed amendment to extend the long-standing Class III construction & demolition landfill & recycling operations at Frayser Recycling Center is well-justified & designed to minimize impacts on the surrounding area. The Williamsons have demonstrated experience in providing these essential services to the community with care & respect for the Frayser community & neighborhood in which they are deeply entrenched. The amendment addresses the need for additional operational recycling space while maintaining designated setbacks, buffers & environmental protection zones. Proposed acreage allotments ensure ample greenspace, ponding areas & tree preservation zones, which are incorporated alongside the expanded landfill footprint and new commercial parcels. The proposed expansion of the landfill/recycling operations & the addition of two commercial parcels have been meticulously designed to safeguard the school & park facilities, ensuring their continued operation in a safe, health & undisturbed environment. The comprehensive plan incorporates a multitude of thoughtful measures that effectively mitigate any potential impacts, creating a harmonious coexistence between these diverse land uses. Notably, Class III landfill operations prohibit the acceptance of harmful materials. Only non-hazardous construction/demolition debris is permitted. Additionally, the site recycles non-hazardous materials & converts yard waste into reusable products. The proposal carefully addresses the surrounding context. Heavy industrial uses in the south are compatible with the proposed activities. While residential areas lie to the east, with the proposed setback only the easterly line, a substantial nearly 575-foot buffer separates operations from the school building. Other buffering elements, like minimum setbacks from property lines & landscaping, mitigate potential impacts. The positioning & orientation of the school itself serve as a natural shield. The school is purposefully angled towards the east, along with the residential areas & park, ensuring that its façade & primary entrances face away from the landfill and commercial activities. Traffic patterns with the landfill activities will remain unchanged, with operations only entering from the west (Hwy 51) and exiting to the south

(Stage Road). Future commercial development may access Whitney & Hwy 51. The plan considers the pedestrian flow of the elementary school. Students primarily commute via the bus or are dropped off by parents, with little pedestrian activity along Whitney Avenue (westerly). Most pedestrian activity is concentrated north, south & east of the school premises. This spacing effectively separates the high-traffic areas from the proposed commercial operations along Whitney Avenue, minimizing any conflicts & enhancing safety. Numerous existing & proposed measures align with City requirements for stormwater management, fencing, landscaping & security. Over 600 trees have already been planted as a perimeter buffer. The applicants have demonstrated & will continue their commitment to sustainable land use by creating viable commercial development while preserving the ability to repurpose the landfill areas as open green spaces or for passive recreation uses. This adaptability ensures that the site can contribute to present & continued economic & environmental value. The expansion addresses a regional need for enhanced construction/demolition waste handling capabilities. With consistent monitoring & adherence to applicable regulations, the operations will augment Memphis' sustainability goals related to waste management. Likewise, the use of construction & demolition landfills, that are far less environmentally impactful on surrounding communities than sanitary landfills, is in accordance with the State of Tennessee goals to lessen the use of sanitary landfill. The primary goal is to keep construction & demolition waste out of sanitary landfills.

APPROVAL CRITERIA

UDC Sub-Section 9.6.9B

The Frayser Recycling Center has operated its Class III construction & demolition landfill/recycling facility at this location for over a decade & has demonstrated compatibility with the surrounding area. The proposed expansion builds on this experience while incorporating elements to ensure further compatibility.

The expanded landfill/recycling operation will provide significant buffering from nearby residential areas. Additional setbacks added landscaped buffers, and preservation of existing mature trees along the east & southern property lines create significant visual and sound screening & physical separation. Stringent environmental regulations & best practices will continue to be implemented to mitigate any potential adverse impacts.

State-of-the-art technologies & rigorous monitoring protocol are & will continue to be employed to control emissions, odor & noise levels, ensuring a safe & healthy environment for the school & park users. The landfill has had an excellent record of noise levels no louder than a lawn mower. Random State monitoring of noise, air quality & random inspections by the County Health Department and Fire Department have likewise produced no violations. The nature of Class III landfill operations, only accepting non-hazardous construction and demolition materials, is fundamentally a lower impact compared to municipal solid waste landfills. Sanitary landfills have more debris volumes & truck traffic. Recycling materials on-site further reduces impact to the immediate vicinity. Truck traffic patterns will be maintained from the west and south sides, avoiding residential streets. Adding new commercial parcels provides an extra layer of buffering development to the north & the potential for economic growth in the neighborhood. Numerous on-site provisions, such as perimeter fencing, wheel washes, stormwater management, tree plantings, extensive over-seeding & preservation areas, adhere to City & State requirements to ensure a compatible on-site environment & minimize off-site impacts. The proposal integrates transition from the landfill area into open green space & passive recreational uses upon its eventual closure. This end-use aligns with promoting compatibility with nearby areas & the City's sustainability goals. With consistent adherence to applicable regulations,

APPROVAL CRITERIA

UDC Sub-Section 9.6.9C

verified through environmental monitoring & performance testing, the operations can expand regional waste-handling capabilities while safeguarding local environmental quality aspects. The traffic plan maintains existing access points. From the west and south sides of the site for ingress to the landfill/recycling operations is from Thomas Street & egress to Stage Road, avoiding impacts to residential streets or Whitney Avenue. Only potential future commercial/office or residential development would utilize a Whitney Avenue access point. This segregated circulation prevents any increase in truck traffic through neighborhoods. The proposal does not increase operational vehicle volumes & only provides expanded disposal acreage. As an industrial land use, parking demands are met through designated operational areas. No reliance on public parking facilities is required. Commercial parking demands will comply with CMU-3 standards. The project's core purpose is expanding construction/demolition waste & yard waste disposal capabilities through the Class III landfill, addressing a growing regional need. On-site recycling operations further enhance waste-handling services with waste tires removed to a separate recycler. No unique fire or emergency needs are anticipated beyond standard industrial facility requirements, which existing City resources & services can accommodate. The site does have an extensive irrigation system installed. It also has a truck wheel wash facility that is nearly one of a kind in Shelby County further protecting the adjacent streets. The proposed land use as an expansion of the established landfill and recycling facilities does not create extraordinary public service burdens. Adherence to City, State, and Federal requirements enhances development oversight. Additionally, the increased regional disposal capacity directly enhances the availability of ongoing solid waste services for the City of Memphis & the surrounding area.

APPROVAL CRITERIA

UDC Sub-Section 9.6.9D

The site does not contain any designated significant natural features. The amendment carefully incorporates greenspace preservation areas, tree preservation zones & additional landscaping to maintain & enhance the natural environment on-site. Over six hundred new trees have already been planted as a perimeter buffer. There are no indications of historic buildings, archaeological sites, or other historic resources on the property that the commercial parcels or the expanded landfill and recycling operations would threaten. With years of experience operating at this location & adhering to regulations, the current & proposed operations do not include any environmental degradation. Detailed monitoring data shows that the existing activities meet all environmental standards.

APPROVAL CRITERIA

UDC Sub-Section 9.6.9E

The current operations at Frayser Recycling Center have an established track record of adhering to all applicable local, state, & federal regulations governing their Class III construction/demolition landfill & recycling activities. This proven history demonstrates their commitment to regulatory compliance as operations are expanded. Based on mandated state performance testing, positive environmental evaluations confirm that the site meets or exceeds dust, water quality, noise & air quality requirements. The expanded landfill operations will be held to these high standards through ongoing monitoring and analysis. Specific operational provisions ensure compliance with City and State requirements, including fencing, stormwater management, security measures (including on-site security cameras), wheel washes, setbacks, landscaping & buffering standards. Class III landfills only accept non-hazardous construction & demolition debris. No municipal solid waste, garbage, or hazardous materials like asbestos are permitted, aligning with the regulatory framework. In addition to specific requirements the owners provide the City drivers with water & snacks. The operations go further by recycling 55% of accepted materials on-site into beneficial products like mulch & soil amendments. Scrap iron, bricks, concrete & asphalt are recycled on site. This recycling component reduces landfill volumes & complies with sustainable waste handling and carbon footprint reduction goals including the Tennessee State Waste goal of 25% reduction. The amendment addresses the landfill ultimate closure, envisioning conversion of the area into open green space and/or passive recreational uses, which will uphold & enhance environmental stewardship of the Frayser community.

APPROVAL CRITERIA

UDC Sub-Section 9.6.9F

The proposed commercial components along Highway 51 & Whitney Avenue conform to the goals & vision laid out in the Memphis 3.0 comprehensive plan. Integrating these commercial uses with the landfill/recycling operations aligns with the City's long-term planning for balanced land use & development. The proposed amendments include setbacks, landscaping, buffering, operational conditions & future transition plans that supplement the baseline zoning standards. These enhance compatibility with nearby areas. The immediate surrounding context includes heavy industrial uses to the south, reinforcing the appropriate nature of locating the landfill/recycling operations in this area. Design elements like landscape buffers are incorporated to minimize impacts to residential areas farther east. The amendments anticipate and address the eventual closure of the landfill by including transition plans for converting those areas into open green spaces or passive recreational facilities. This forward-looking component allows productive long-term reuse that is compatible with the vicinity. The proposed amendments incorporate multiple layers of consideration to remain coherent with the City's development standards & the established character of the surrounding area & neighborhood settings. This balanced approach suggests that the proposed expansion, though significant, can be integrated compatibly with its environment through mindful execution.

GENERAL PROVISIONS

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

The strategic setbacks, thoughtful orientation, pedestrian flow management, and adherence to environmental regulations create harmony between the land uses surrounding the property, allowing for sustainable development while prioritizing the school's and park facilities' well-being. Extensive buffering elements, including increased setbacks, tree preservation zones, landscaping, and supplemental plantings along the eastern boundary adjacent to residential areas, reflect a concerted effort to mitigate impacts that could negatively affect the use, value, or enjoyment of those nearby properties. By incorporating compatible commercial components that align with the Memphis 3.0 plan, providing a long-term vision for transitioning operations into open space/passive recreational uses, and taking a sustainable environmental approach, the amendments promote productive growth and development potential in the area over time.

The location amidst existing heavy industrial uses to the south, a rail line, and the proposed commercial properties provide appropriate buffering and transition to the lower-intensity residential areas farther east. This thoughtful arrangement of complementary land uses prevents hindrances to growth. Designated truck routes avoid residential streets to prevent adverse traffic impacts that could constrain the area's growth and development capacity. Under controlled conditions, only potential future commercial uses would access Whitney Ave. The proposal coherently aligns with the City's current policies and plans to foster a balanced urban environment that mutually benefits all surrounding areas and property owners. This systematic approach prevents undue injuries or constraints.

GENERAL PROVISIONS

B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development

As an outdoor industrial operation focused on landfill and recycling activities, no additional municipal utility demands are anticipated for the expanded landfill areas. Any future commercial development can connect to existing utilities. The amendments incorporate stormwater management elements as part of their design. Specific measures like sprinklers along roads, a wheel wash station, and designated ponding areas for water retention/detention control drainage from the active operational areas of the site. This stormwater infrastructure will be extended to the new commercial parcels. Stormwater management features of the existing and expanded areas indicate that rainfall/runoff can be adequately managed on-site to prevent drainage issues.

GENERAL PROVISIONS

C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation

The proposed amendments include strengthening buffering and landscaping efforts to the east and southeast of the landfill and recycling operations. Introducing tree preservation zones and extensive plantings provides both visual and physical barriers to minimize intrusive elements in the surrounding mixed industrial and residential areas. The operational plan ensures that the landfill and recycling traffic will continue to access the site from existing points on the west and south, with no new traffic routes opening onto Whitney Avenue. This maintains current traffic patterns, which is crucial for not disturbing the residential zones to the east. The existing setup, including perimeter fencing, road sprinklers, a wheel wash, and security cameras, speaks to a comprehensive strategy to manage potential impacts like dust, runoff, and unauthorized access. Such infrastructure indirectly supports surrounding developments by ensuring minimal disruptions. Stormwater facilities integrate green spaces and ponding areas. Stormwater from the expanded operations will be managed on-site, preventing any adverse drainage impacts on adjoining properties. Commercial expansions require connection to City infrastructure, necessitating careful planning to ensure service adequacy. Provisions for parking, loading areas, pedestrian movement, lighting, and other service facilities will be developed in accordance with zoning requirements. The decision to enrich the site with additional tree plantings and dedicated green spaces leverages natural geography for environmental benefits while promoting aesthetic value. This approach ensures that parts of the proposed development that are not used for operational purposes contribute positively to the local landscape. The intent to repurpose the landfill into open space or passive recreation post-closure renders the property a long-term asset to the Frayser community. This forward-looking planning underscores a commitment to ecological stewardship and neighborhood enhancement. The plan addresses the pedestrian dynamics associated with an elementary school. Children primarily arrive and depart by walking or being dropped off by parents, resulting in pedestrian activity concentrated in the north, south, and east of the school and park premises. This planned layout

GENERAL PROVISIONS

D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest

E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements

F) Lots of record are created with the recording of a planned development final plan

GIS INFORMATION

insulates higher-traffic areas from the proposed landfill and commercial operations along Whitney Avenue, significantly minimizing potential conflicts and bolstering overall safety for the students, staff, and visitors. Offering free mulch and integrating community recycling programs and dumpster days twice per month strengthens the Williamsons' ties with Frayser and encourages local participation in sustainability efforts.

The amendment application provides a comprehensive plan to extend and enhance the operation of a Class III landfill and recycling center, which has been actively functioning operation. Essential modifications from district standards, specifically the expansion of operational space and the introduction of commercial parcels, are closely justified by the outline plan's thoughtful design and proposed amenities. The introduction of additional acres dedicated to landfill operations and recycling capabilities directly addresses a regional need for enhanced waste management facilities. The expansion is necessary under prevailing environmental sustainability goals and the City's waste management demands. The addition of commercial parcels aligns with the Memphis 3.0 plan, supporting the City's vision for growth and development. This strategic integration promotes the site's dual utility—providing essential municipal services while contributing to local economic vitality. The plan's emphasis on increased setbacks, preservation of existing green spaces, and additional plantings across the site minimizes visual and environmental impacts, thereby mitigating potential concerns associated with closer proximity to neighboring properties. The project's commitment to environmentally sound practices, including recycling construction and demolition materials and plans for site repurposing, reflects a broader public interest in sustainability.

N/A

N/A

GIS INFORMATION

Case Layer	PD15-311, PD16-007, PD17-014, Z94-117, Z06-131
Central Business Improvement District	No
Class	F
Downtown Fire District	No
Historic District	-
Land Use	SINGLE-FAMILY
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	R-6
State Route	-
Lot	-
Subdivision	-
Planned Development District	-
Wellhead Protection Overlay District	No

Data Tables

AREA INFORMATION

Name:	Phase 1 Development (Existing)
Size (Acres):	23.5
Existing Use of Property:	Recycling/Landfill
Requested Use of Property:	Recycling/Landfill

Name:	Phase 2 Development (Proposed)
Size (Acres):	27.8
Existing Use of Property:	Vacant Land
Requested Use of Property:	Recycling/Landfill

Contact Information

Name
ETI CORPORATION

Contact Type
APPLICANT

Address

Phone
(901)383-3250

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1563548	Credit Card Use Fee (.026 x fee)	1	39.00	INVOICED	0.00	05/10/2024
1563548	Planned Development - 5 acres or less	1	1,500.00	INVOICED	0.00	05/10/2024

Total Fee Invoiced: \$1,539.00

Total Balance: \$0.00

Payment Information**Payment Amount**

\$1,539.00

Method of Payment

Credit Card



**MEMPHIS AND
SHELBY COUNTY** **DIVISION OF PLANNING
AND DEVELOPMENT**

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

**LAND USE CONTROL BOARD PLANNED DEVELOPMENT APPLICATION
TO FILE ONLINE USE THE [DEVELOP 901 CITIZEN PORTAL](#)**

Date: _____

Previous Case/Docket #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip: _____

Property Owner Email Address: _____

Applicant: _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip: _____

Applicant Email Address: _____

Representative: _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip: _____

Representative Email Address: _____

Architect/Engineer/Surveyor: _____ Phone #: _____

Mailing Address: _____ City/State: _____ Zip: _____

Architect/Engineer/Surveyor Email Address: _____

PREMISES LOCATION (Describe by street address & directional location description, e.g. 200 Johnson Street, North side of Johnson Street, 100 feet east of Brown Street): _____

Parcel ID: _____

Project Name: _____

Project Description: _____

Did you have a pre-application meeting with the Division of Planning and Development (DPD)?

Planner: _____ **Date of Meeting:** _____

Type of Planned Development (PD) (check one)? New PD Amendment to Existing PD

Is the development located within the Medical Overlay District or Uptown Special Purpose District (Note these areas do not permit new planned developments)? _____ (yes or no)

If this development is located in unincorporated Shelby County, is the tract at least three acres (Note a tract of less than three acres is not eligible for a planned development in unincorporated Shelby County)? _____ (yes, no, or n/a)

Area A

Area B

Area C

Acres: _____

Existing Use of Property: _____

Requested Use of Property: _____

Is this application in response to a citation, stop work order, or zoning letter? _____ (yes or no)

If yes, please provide a copy of the citation, stop work order, and/or zoning letter along with any other relevant information: _____

APPROVAL CRITERIA (UDC Section 9.6.9)

No planned development shall be approved unless the following findings are made concerning the application:

A) 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: _____

B) 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:

C) 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: _____

D) The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance: _____

E) The project complies with all additional standards imposed on it by any particular provisions authorizing such use:

F) The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties: _____

GENERAL PROVISIONS (UDC Section 4.10.3)

No planned development shall be approved unless the following findings are made concerning the application:

A) The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County: _____

B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development:

- C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation: _____

- D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest: _____

- E) Homeowners’ associations or some other responsible party shall be required to maintain any and all common open space and/or common elements: _____
- F) Lots of record are created with the recording of a planned development final plan: _____

LAND USE CONTROL BOARD PLANNED DEVELOPMENT APPLICATION GUIDE

To file online use the Develop 901 Citizen Portal: www.aca-prod.accela.com/SHELBYCO/Default

GENERAL INFORMATION

UNIFIED DEVELOPMENT CODE (UDC) REFERENCES FOR PLANNED DEVELOPMENTS:

- a) Planned Development – UDC Chapter 9.6 and Section 9.6.11
- b) Planned Development Amendment – UDC Paragraph 9.6.11E(1)

PRE-APPLICATION MEETING – This is a meeting in which the Division of Planning and Development Land Use and Development Services discusses the procedures, standards, and regulations required of a request in accordance with the Unified Development Code with the applicant(s) and/or their representative(s), see Section 9.3.1 of [Unified Development Code](#) for additional information. To schedule a pre-application meeting please call Land Use and Development Services at (901) 636-6619.

APPLICATION REVIEW PROCESS – [Click here](#) to view a flowchart that explains the review process by application type, as well as the expected review time for each.

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than one hundred twenty (120) days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site, see Section 9.3.2 of the [Unified Development Code](#) for additional information, procedures, standards, and requirements.

APPLICATION DEADLINES – A link to the Applications Deadlines Calendar can be found on the Land Use and Development Services’ [webpage](#).

APPLICATION ASSISTANCE – [Click here](#) to view a list of firms and individuals who frequently provide assistance with the filing of applications with the Division of Planning and Development.

FILING FEE(S) – See the [Fee Schedule](#). Make checks payable to “M/SC Division of Planning and Development”

POSTED NOTICE – Posting sign(s) may be required, refer to Sub-Sections 9.3.4A and 9.3.4C of the [Unified Development Code](#) for specific requirements. If posted notice is required, the sign [affidavit](#) and a photograph of each sign on the subject property are also mandatory. [Download](#) templates of the sign in a PowerPoint document. [Click here](#) for a list of companies that may be able to produce posted notice signs.

REQUIRED DOCUMENTS

As part of the application, the following documents are required to be submitted:

LETTER OF INTENT – A brief narrative statement generally describing the nature, location, and extent of the development and the market it is intended to serve.

OUTLINE PLAN – An outline plan consists of the following documents:

- A. CONCEPT PLAN** – In general, a drawing of the subject property drawn to an engineering scale, showing property boundary lines and dimensions, existing utilities and easements, roadways, rail lines and public rights-of-way, crossing and adjacent to the subject property; the proposed height, dimensions, and arrangements of buildings on the property; the location of points of ingress to and egress (driveways), parking lots and loading areas on the site, any proposed substantial re-grading of the site and any significant topographical or physical features of the site including water courses or ponds; etc.
- B. LANDSCAPE PLAN** – A detailed diagram that includes the specific location and spacing of plant materials. All plant materials shall be identified in a planting schedule chart that indicates the symbol, quantity, common name, botanical name, and minimum size at planting—caliper and height.
- C. PROPOSED OUTLINE PLAN CONDITIONS IN WORD** – The proposed outline plan conditions must be submitted in the Microsoft Word format.

VICINITY MAP – Map showing the subject property (boldly outlined) and all adjacent parcel owners. Refer to Sub-Section 9.3.4A of the [Unified Development Code](#) for specific notification requirements. [Public Notice Tool User Guide](#).

MAILING LABELS OF NAMES AND ADDRESSES – A complete list of names and mailing addresses, of all property owners shown on the vicinity map, typewritten, and formatted as 1" x 2 5/8" labels (Avery 5160). Additionally, include the application property owner of record, applicant, representative, and/or Architect/Engineer/Surveyor. [Public Notice Tool User Guide](#).

DEED(S) – Most recent deed(s) on file with [Shelby County Register of Deeds](#).

OWNER AFFIDAVIT – [Affidavit of ownership or owner designee](#).

Additional documents may be required prior to approval including, but not limited, to:

ELEVATIONS – Building elevations may be required upon request by the Division of Planning and Development. Factors that will be taken into consideration by the Division of Planning and Development in its determination that building elevations are required are surrounding land uses, frontage requirements, proximity of the requested building(s) to the public right-of-way, conditions, etc.

**MEMPHIS AND
SHELBY COUNTY**  **DIVISION OF PLANNING
AND DEVELOPMENT**

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

Carol Williamson
We, Steven Williamson
(Print Name)

Carol Williamson
(Sign Name)

, state that I have read the definition of

“Owner” as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 2984 Stage Road & 3086 Coscia Street
and further identified by Assessor's Parcel Number 070024 00176, 070024 00175 & 070024 00001,
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 10th day of May in the year of 2024.

Janet M. Smith

Signature of Notary Public



My Comm. Exp. March 28, 2026

My Commission Expires



May 10, 2024

Brett Ragsdale, AIA
Zoning Administrator
Division of Planning and Development
125 N. Main, Ste. 468 Memphis, TN 38103

RE: Letter of Intent and Justification
Frayser Recycling Center Planned Development Amendment, Former Case P.D. 10-312

Dear Mr. Ragsdale,

Steve and Carol Williamson, the owners of Frayser Recycling Center (DBA Memphis Wrecking Company, Inc.) located at 2984 Highway 51 North, are requesting an amendment to the Frayser Business Center Planned Development. This amendment application aims to extend their construction and demolition Class III landfill and recycling operations, which have been actively functioning at the same location since 2009. Approval of this amendment will permit the Williamsons to continue providing these essential services to the community.

BACKGROUND

The amendment to P.D. 2010-312 includes a 4.3-acre commercial parcel along Highway 51, a 6.1-acre commercial parcel along Whitney Avenue, the current operational (Phase 1) ±14-acre Class III landfill and recycling area, and a ±9.5-acre related open spaces and buffering areas that were previously approved and permitted, and a proposed (Phase 2) landfill/recycling expansion with operations utilizing ±18-acres and ±10-acres of green space, ponding, buffer zones, and tree preservation areas. Collectively, 10.4-acres of commercial development, ±32-acres of operational landfill and recycling operations, and nearly 20 acres of open spaces are being identified in this multi-use land use and planned development amendment. This amendment addresses the need for additional operational space while maintaining designated setbacks and environmental protection areas.

The proposal envisions that the 4.3-acre property designated along Highway 51 and the 6.1-acre property designated along Whitney Road will ultimately be donated to the Frayser Community Development Corporation.

Class III Landfills and recycling centers in Tennessee take construction and demolition (C&D) debris. Harmful products, including building materials containing asbestos, municipal trash, liquids, paper products, plastic products, bulk cardboard, chemicals, medical waste, appliances, tires and household garbage **are prohibited**. C&D debris typically includes concrete, bricks, wood, glass, metals and other non-hazardous

waste generated from construction, renovation, and demolition activities. This site recycles C&D materials including steel, bricks, concrete, and asphalt; and also recycles trees, and leaves into mulch or soil amendments for landscape uses.

The surrounding properties provide context for the proposed amendment. To the south, the property contains heavy-zoned industrial uses. The eastern side has small residential parcels, including a school building located approximately 465-feet (565-feet from school building to the proposed limits of landfill) from the shared property line and an underdeveloped park and open space parcel. These spaces are separated by 100-year-old trees standing at about ninety feet tall. To the north, there is a house in poor condition and commercial uses on the property. Commercial and vacant areas, along with a rail line, are lying to the west.

The traffic flow for the current operations and proposed expansion will maintain ingress from the west (Highway 51) and egress to the south (Stage Road) side of the site. Landfill and recycling operations will not enter or exit from Whitney Avenue, resulting in no changes to existing traffic patterns or increases. Access to Whitney Avenue would only be permitted for any potential future commercial development.

PROPOSED AMENDMENTS TO THE EXISTING PLANNED DEVELOPMENT

Proposed Building Setbacks and Heights:

The proposed amendments outline specific guidelines regarding the positioning and dimensions of buildings within the development and detailed requirements for landfill and recycling operations. Key provisions include a mandatory 100-foot setback from Thomas Street and the south property line for buildings, with an exemption for commercial parcels, which are proposed to have a minimum building setback of 30-feet and a uniform maximum building height set at 40-feet.

Landfill activities are subject by the State of Tennessee to specific distancing, with a minimum of one hundred feet from the east property line shared with the school and park. A modification to the UDC requirement of 500-feet from the east property line is requested. This distance will not impact the Frayser elementary school building that is 565-feet from the Phase 2 proposed limits of landfill. A five-hundred-foot setback from the Frayser Vista residential properties will be maintained. No parcel line setbacks are specified for landfill/recycling activities directly behind the commercial parcels. We have added a further requirement of 500-foot minimum distance for landfill and recycling operations from the Girls Inc. residential property and establishing a maximum landfill height of 370-foot elevation. The existing 290-foot elevation is presently required for the existing approved landfill. The height increase will be buffered by existing mature trees from the school and residential areas to the east and southeast.

Landscaping/Buffering Additions:

The proposed landscaping enhancements focus on integrating new and existing green spaces and preserving natural elements within the development area. A significant feature of this approach is the establishment of a minimum 100-foot-wide tree preservation area along the east property line adjacent to a school, ensuring a natural buffer and enhancing the environmental quality of the educational facility. Additionally, the plan includes planting boulevard trees in front of the commercial parcels along Whitney Avenue, improving the roadway's aesthetic appeal, and contributing to the urban green canopy, which includes around two hundred 25-foot-tall Virginia Pines and Loblolly Pines. Further reinforcing the commitment to greener surrounding, tree plantings are planned along the southern property line, creating

a continuous green barrier that enhances biodiversity, provides additional privacy, and improves the overall landscape quality of the development. These initiatives prioritize ecological preservation and beautification in line with sustainable urban development practices.

Operations and Land Uses:

This proposal introduces a series of amendments designed to streamline the development's functionality while broadening its scope of services and uses. The amendments adhere to the CMU-3 zoning provisions, adding new permissible uses and diversifying the range of available activities and services. This approach maximizes the utility of the parcels and enriches the development's contribution to the local economy and surrounding community. In addition to the operational enhancements, the proposal establishes two commercial parcels that the Frayser Community Development Corporation can utilize at its discretion. This development expansion aims to create more jobs, business opportunities and stimulate economic growth, leveraging the site's strategic location and zoning potential for broader community benefits.

JUSTIFICATIONS FOR THE PROPOSED AMENDMENTS

APPROVAL CRITERIA (UDC Section 9.6.9)

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:

The proposed amendment to extend the long-standing Class III construction and demolition landfill and recycling operations at Frayser Recycling Center is well-justified and designed to minimize impacts on the surrounding area. The Williamsons have demonstrated experience in providing these essential services to the community with care and respect for the Frayser community and neighborhood in which they are deeply entrenched. The amendment addresses the need for additional operational recycling space while maintaining designated setbacks, buffers, and environmental protection zones. Proposed acreage allotments ensure ample greenspace, ponding areas, and tree preservation zones, which are incorporated alongside the expanded landfill footprint and new commercial parcels.

The proposed expansion of the landfill/recycling operations and the addition of two commercial parcels have been meticulously designed to safeguard the school and park facilities, ensuring their continued operation in a safe, healthy, and undisturbed environment. The comprehensive plan incorporates a multitude of thoughtful measures that effectively mitigate any potential impacts, creating a harmonious coexistence between these diverse land uses.

Notably, Class III landfill operations prohibit the acceptance of harmful materials. Only non-hazardous construction/demolition debris is permitted. Additionally, the site recycles non-hazardous materials and converts yard waste into reusable products.

The proposal carefully addresses the surrounding context. Heavy industrial uses in the south are compatible with the proposed activities. While residential areas lie to the east, with the proposed setback only the easterly line, a substantial nearly 565-foot buffer separates operations from the school building. Other buffering elements, like minimum setbacks from property lines and landscaping, mitigate potential impacts. The positioning and orientation of the school itself serve as a natural shield. The school is purposefully angled towards the east, along with the residential areas and park, ensuring that its façade and primary entrances face away from the landfill and commercial activities.

Traffic patterns with the landfill activities will remain unchanged, with operations only entering from the west (Highway 51) and exiting to the south (Stage Road). Future commercial development may access Whitney and Highway 51. The plan considers the pedestrian flow of the elementary school. Students primarily commute via the bus or are dropped off by parents, with little pedestrian activity along Whitney Avenue (westerly). Most pedestrian activity is concentrated north, south, and east of the school premises. This spacing effectively separates the high-traffic areas from the proposed commercial operations along Whitney Avenue, minimizing any conflicts and enhancing safety.

Numerous existing and proposed measures align with City requirements for stormwater management, fencing, landscaping, and security. Over six hundred trees have already been planted as a perimeter buffer.

The applicants have demonstrated and will continue their commitment to sustainable land use by creating viable commercial development while preserving the ability to repurpose the landfill areas as open green spaces or for passive recreation uses. This adaptability ensures that the site can contribute to present and continued economic and environmental value.

The expansion addresses a regional need for enhanced construction/demolition waste handling capabilities. With consistent monitoring and adherence to applicable regulations, the operations will augment Memphis' sustainability goals related to waste management. Likewise, the use of construction and demolition landfills, that are far less environmentally impactful on surrounding communities than sanitary landfills, is in accordance with the State of Tennessee goals to lessen the use of sanitary landfill. The primary goal is to keep 25% of construction and demolition waste out of sanitary landfills.

The project will be constructed, arranged, and operated to be compatible with the immediate vicinity and not interfere with the development and use of the adjacent property by the applicable district regulations:

The Frayser Recycling Center has operated its Class III construction and demolition landfill/recycling facility at this location for decades and has demonstrated compatibility with the surrounding area. The proposed expansion builds on this experience while incorporating elements to ensure further compatibility.

The expanded landfill/recycling operation will provide significant buffering from nearby residential areas. Additional setbacks added landscaped buffers, and preservation of existing mature trees along the east and southern property lines create significant visual and sound screening and physical separation. Stringent environmental regulations and best practices will continue to be implemented to mitigate any potential adverse impacts. State-of-the-art technologies and rigorous monitoring protocol are and will continue to be employed to control emissions, odor, and noise levels, ensuring a safe and healthy environment for the school and park users.

The landfill has had an excellent record of noise levels no louder than a lawn mower. Random State monitoring of noise, air quality, and random inspections by the Shelby County Health Department, Public Works, and Fire Department have likewise produced no violations. The State also requires two water quality tests per year for each of the designated four water wells located within the Phase I area.

The nature of Class III landfill operations, only accepting non-hazardous construction and demolition materials, is fundamentally a lower impact compared to municipal solid waste landfills. Sanitary landfills have more debris volumes and truck traffic. Recycling materials on-site further reduces impact to the immediate vicinity.

Truck traffic patterns will be maintained from the west and south sides, avoiding residential streets. Adding new commercial parcels provides an extra layer of buffering development to the north and the potential for economic growth in the neighborhood.

Numerous on-site provisions, such as perimeter fencing, wheel washes, stormwater management, tree plantings, extensive over-seeding, and preservation areas, adhere to City and State requirements to ensure a compatible on-site environment and minimize off-site impacts.

The proposal integrates transition from the landfill area into open green space and passive recreational uses upon its eventual closure. This end-use aligns with promoting compatibility with nearby areas and the City's sustainability goals. With consistent adherence to applicable regulations, verified through environmental monitoring and performance testing, the operations can expand regional waste-handling capabilities while safeguarding local environmental quality aspects.

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:

The traffic plan maintains existing access points. From the west and south sides of the site for ingress to the landfill/recycling operations is from Thomas Street and egress to Stage Road, avoiding impacts to residential streets or Whitney Avenue. Only potential future commercial/office or residential development would utilize a Whitney Avenue access point. This segregated circulation prevents any increase in truck traffic through neighborhoods. The proposal does not increase operational vehicle volumes and only provides expanded disposal acreage.

As an industrial land use, parking demands are met through designated operational areas. No reliance on public parking facilities is required. Commercial parking demands will comply with CMU-3 standards.

The project's core purpose is expanding construction/demolition waste and yard waste disposal capabilities through the Class III landfill, addressing a growing regional need. On-site recycling operations further enhance waste-handling services with waste tires removed to a separate recycler.

No unique fire or emergency needs are anticipated beyond standard industrial facility requirements, which existing City resources and services can accommodate. The site does have an extensive irrigation system installed. There is a standby mobile water tank with hoses as required by the State.

The proposed land use as an expansion of the established landfill and recycling facilities does not create extraordinary public service burdens. Adherence to City, State, and Federal requirements enhances development oversight. Additionally, the increased regional disposal capacity directly enhances the availability of ongoing solid waste services for the City of Memphis and the surrounding area.

The project will not result in the destruction, loss, or damage of any feature determined by the governing bodies to be of significant natural, scenic, or historic importance:

The site does not contain any designated significant natural features. The amendment carefully incorporates greenspace preservation areas, tree preservation zones, and additional landscaping to maintain and enhance the natural environment on-site. Over six hundred new trees have already been planted as a perimeter buffer.

There are no indications of historic buildings, archaeological sites, or other historic resources on the property that the commercial parcels or the expanded landfill and recycling operations would threaten.

With years of experience operating at this location and adhering to regulations, the current and proposed operations do not include any environmental degradation. Detailed monitoring data shows that the existing activities meet all environmental standards.

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

The current operations at Frayser Recycling Center have an established track record of adhering to all applicable local, state, and federal regulations governing their Class III construction/demolition landfill and recycling activities. This proven history demonstrates their commitment to regulatory compliance as operations are expanded.

Based on mandated state performance testing, positive environmental evaluations confirm that the site meets or exceeds dust, water quality, noise, and air quality requirements. The expanded landfill operations will be held to these high standards through ongoing monitoring and analysis.

Specific operational provisions ensure compliance with City and State requirements, including fencing, stormwater management, security measures (including on-site security cameras), wheel washes, setbacks, landscaping, and buffering standards.

Class III landfills only accept non-hazardous construction and demolition debris. No municipal solid waste, garbage, or hazardous materials like asbestos are permitted, aligning with the regulatory framework. In addition to specific requirements the owners provide the City drivers with water and snacks. Memphis Wrecking employees go directly to each truck driver to sign tickets without drivers having to exit their vehicle for safety and convenience. No other facility provides this type of service.

The operations go further by recycling 55% of accepted materials on-site into beneficial products like mulch and soil amendments. Scrap iron, bricks, concrete and asphalt are recycled on site. This recycling component reduces landfill volumes and complies with sustainable waste handling and carbon footprint reduction goals including the Tennessee State Waste goal of 25% reduction.

The amendment addresses the landfill ultimate closure, envisioning conversion of the area into open green space and/ or passive recreational uses, which will uphold and enhance environmental stewardship of the Frayser community.

The request will not adversely affect any plans to be considered (see Chapter 1.9) or violate the character of existing standards for the development of the adjacent properties:

The proposed commercial components along Highway 51 and Whitney Avenue conform to the goals and vision laid out in the Memphis 3.0 comprehensive plan. Integrating these commercial uses with the landfill/recycling operations aligns with the City's long-term planning for balanced land use and development.

The proposed amendments include setbacks, landscaping, buffering, operational conditions, and future transition plans that supplement the baseline zoning standards. These enhance compatibility with nearby areas.

The immediate surrounding context includes heavy industrial uses to the south, reinforcing the appropriate nature of locating the landfill/recycling operations in this area. Design elements like landscape buffers are incorporated to minimize impacts to residential areas farther east.

The amendments anticipate and address the eventual closure of the landfill by including transition plans for converting those areas by others into renewable energy facilities (i.e. solar panels), open green spaces or passive recreational facilities (i.e. dog park, biking/walking trails, fishing, disc golf, etc.). This forward-looking component allows productive long-term reuse that is compatible with the vicinity.

The proposed amendments incorporate multiple layers of consideration to remain coherent with the City's development standards and the established character of the surrounding area and neighborhood settings. This balanced approach suggests that the proposed expansion, though significant, can be integrated compatibly with its environment through mindful execution.

GENERAL PROVISIONS (UDC Section 4.10.3)

The proposed development will not unduly injure or damage the use, value, and enjoyment of surrounding property nor unduly hinder or prevent the growth of surrounding property by the current development policies and plans of the City and County:

The strategic setbacks, thoughtful orientation, pedestrian flow management, and adherence to environmental regulations create harmony between the land uses surrounding the property, allowing for sustainable development while prioritizing the school's and park facilities' well-being. Extensive buffering elements, including increased setbacks, tree preservation zones, landscaping, and supplemental plantings along the eastern boundary adjacent to residential areas, reflect a concerted effort to mitigate impacts that could negatively affect the use, value, or enjoyment of those nearby properties.

By incorporating compatible commercial components that align with the Memphis 3.0 plan, providing a long-term vision for transitioning operations into open space/passive recreational uses, and taking a sustainable environmental approach, the amendments promote productive growth and development potential in the area over time.

The location amidst existing heavy industrial uses to the south, a rail line, and the proposed commercial properties provide appropriate buffering and transition to the lower-intensity residential areas farther east. This thoughtful arrangement of complementary land uses prevents hindrances to growth.

Designated truck routes avoid residential streets to prevent adverse traffic impacts that could constrain the area's growth and development capacity. Under controlled conditions, only potential future commercial uses would access Whitney Ave.

The proposal coherently aligns with the City's current policies and plans to foster a balanced urban environment that mutually benefits all surrounding areas and property owners. This systematic approach prevents undue injuries or constraints.

An approved water supply, community wastewater treatment and disposal, and stormwater drainage facilities that are adequate to serve the proposed development have been or will be provided concurrently with the development:

As an outdoor industrial operation focused on landfill and recycling activities, no additional municipal utility demands are anticipated for the expanded landfill areas. Any future commercial development can connect to existing utilities.

The amendments incorporate stormwater management elements as part of their design. Specific measures like sprinklers along roads, a wheel wash station, and designated ponding areas for water retention/detention control drainage from the active operational areas of the site. This stormwater

infrastructure will be extended to the new commercial parcels. Stormwater management features of the existing and expanded areas indicate that rainfall/runoff can be adequately managed on-site to prevent drainage issues.

The location and arrangement of the structures, parking and loading areas, walks, lighting, and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation:

The proposed amendments include strengthening buffering and landscaping efforts to the east and southeast of the landfill and recycling operations. Introducing tree preservation zones and extensive plantings provides both visual and physical barriers to minimize intrusive elements in the surrounding mixed industrial and residential areas.

The operational plan ensures that the landfill and recycling traffic will continue to access the site from existing points on the west and south, with no new traffic routes opening onto Whitney Avenue. This maintains current traffic patterns, which is crucial for not disturbing the residential zones to the east.

The existing setup, including perimeter fencing, road sprinklers, a wheel wash, and security cameras, speaks to a comprehensive strategy to manage potential impacts like dust, runoff, and unauthorized access. Such infrastructure indirectly supports surrounding developments by ensuring minimal disruptions.

Stormwater facilities integrate green spaces and ponding areas. Stormwater from the expanded operations will be managed on-site, preventing any adverse drainage impacts on adjoining properties.

Commercial expansions require connection to City infrastructure, necessitating careful planning to ensure service adequacy. Provisions for parking, loading areas, pedestrian movement, lighting, and other service facilities will be developed in accordance with zoning requirements.

The decision to enrich the site with additional tree plantings and dedicated green spaces leverages natural geography for environmental benefits while promoting aesthetic value. This approach ensures that parts of the proposed development that are not used for operational purposes contribute positively to the local landscape.

The intent to repurpose the landfill into renewable energy areas, open space or passive recreation post-closure renders the property a long-term asset to the Frayser community. This forward-looking planning underscores a commitment to ecological stewardship and neighborhood enhancement.

The plan addresses the pedestrian dynamics associated with an elementary school. Children primarily arrive and depart by walking or being dropped off by parents, resulting in pedestrian activity concentrated in the north, south, and east of the school and park premises. This planned layout insulates higher-traffic areas from the proposed landfill and commercial operations along Whitney Avenue, significantly minimizing potential conflicts and bolstering overall safety for the students, staff, and visitors.

Offering free mulch and integrating community recycling programs and dumpster days twice per month strengthens the Williamsons' ties with Frayser and encourages local participation in sustainability efforts.

Any modification of the district standards that would otherwise apply to the site are warranted by the design of the outline plan and the amenities incorporated therein and are not inconsistent with the public interest:

The amendment application provides a comprehensive plan to extend and enhance the operation of a Class III landfill and recycling center, which has been actively functioning operation. Essential modifications from district standards, specifically the expansion of operational space and the introduction of commercial parcels, are closely justified by the outline plan's thoughtful design and proposed amenities.

The introduction of additional acres dedicated to landfill operations and recycling capabilities directly addresses a regional need for enhanced waste management facilities. The expansion is necessary under prevailing environmental sustainability goals and the City's waste management demands.

The addition of commercial parcels aligns with the Memphis 3.0 plan, supporting the City's vision for growth and development. This strategic integration promotes the site's dual utility—providing essential municipal services while contributing to local economic vitality.

The plan's emphasis on increased setbacks, preservation of existing green spaces, and additional plantings across the site minimizes visual and environmental impacts, thereby mitigating potential concerns associated with closer proximity to neighboring properties.

The project's commitment to environmentally sound practices, including recycling construction and demolition materials and plans for site repurposing, reflects a broader public interest in sustainability.

Conclusion

The proposed amendment to the existing planned development not only aligns with the City's broader objectives for sustainable waste management and economic growth, but also incorporates significant measures to ensure compatibility with surrounding land uses, enhance the Frayser community's quality of life, and uphold environmental integrity for all stakeholders. This proposal's commitment to operational excellence, land use preferences, and long-term ecological stewardship underscores its alignment with the City's existing needs and future goals.

Therefore, we hope that planning staff, the Land Use Control Board (LUCB), and the Memphis City Council recognize and approve the substantial benefits and positive impacts of the proposed development amendment. That decision will facilitate the continuation of essential services provided by the Williamsons' longstanding landfill and recycling operations and contribute to the City's resilience, sustainability goals, and community enhancement efforts, making it an invaluable asset for present and future residents.

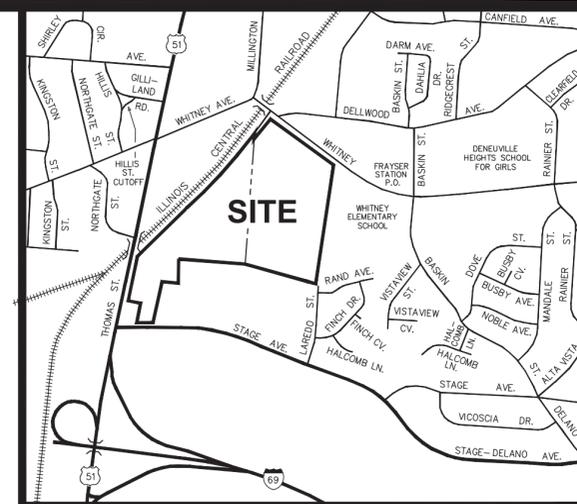
We look forward to working with the Frayser Community, the Planning Staff, LUCB, and Memphis City Council on the expansion plans and conditions of the Outline Plan.

Sincerely,

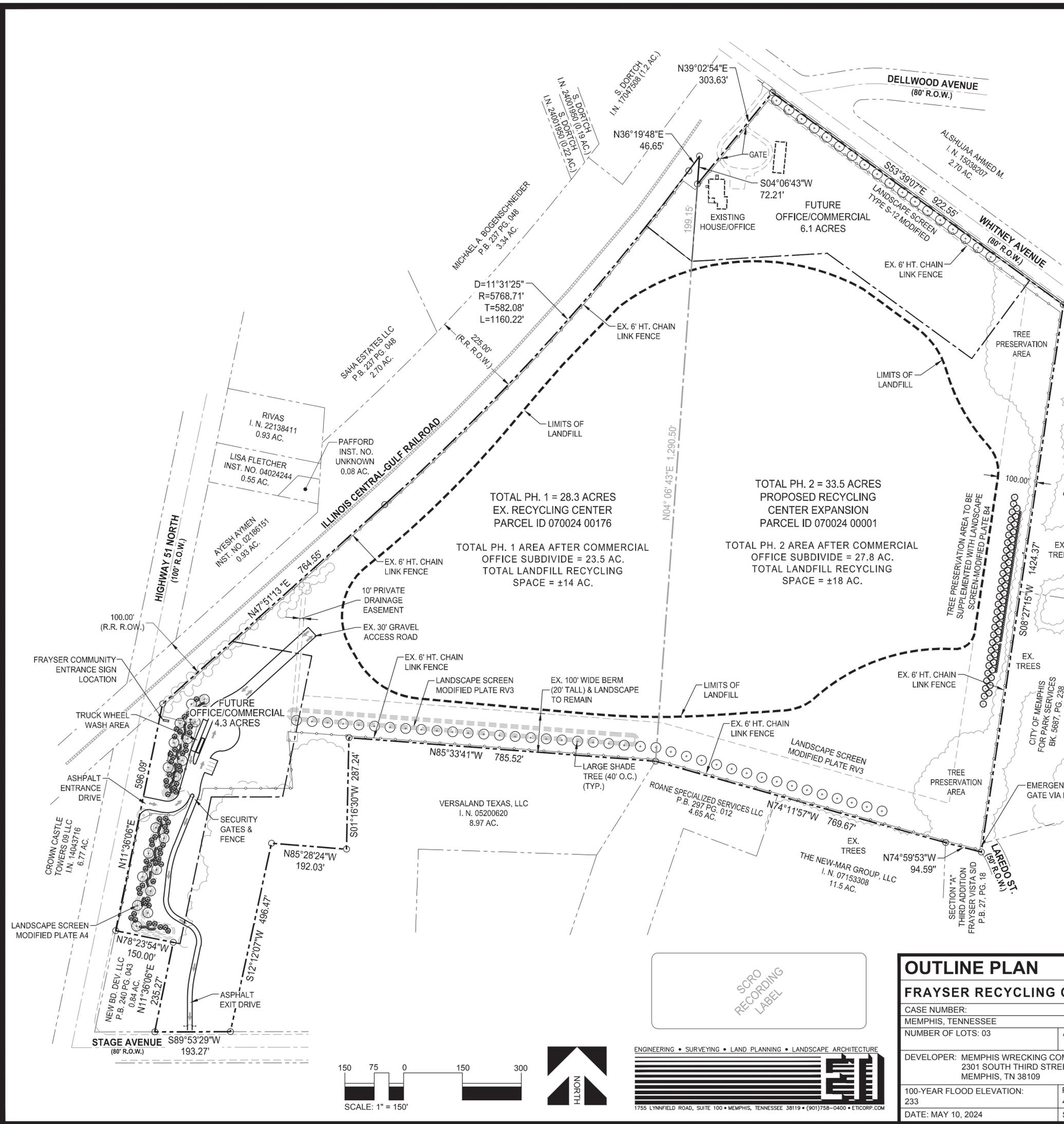


Memphis Wrecking Company, Inc.

Carol Williamson, CEO



VICINITY MAP
N.T.S.



TOTAL PH. 1 = 28.3 ACRES
EX. RECYCLING CENTER
PARCEL ID 070024 00176

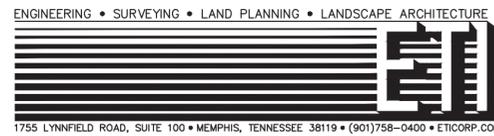
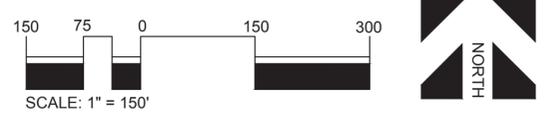
TOTAL PH. 1 AREA AFTER COMMERCIAL
OFFICE SUBDIVIDE = 23.5 AC.
TOTAL LANDFILL RECYCLING
SPACE = ±14 AC.

TOTAL PH. 2 = 33.5 ACRES
PROPOSED RECYCLING
CENTER EXPANSION
PARCEL ID 070024 00001

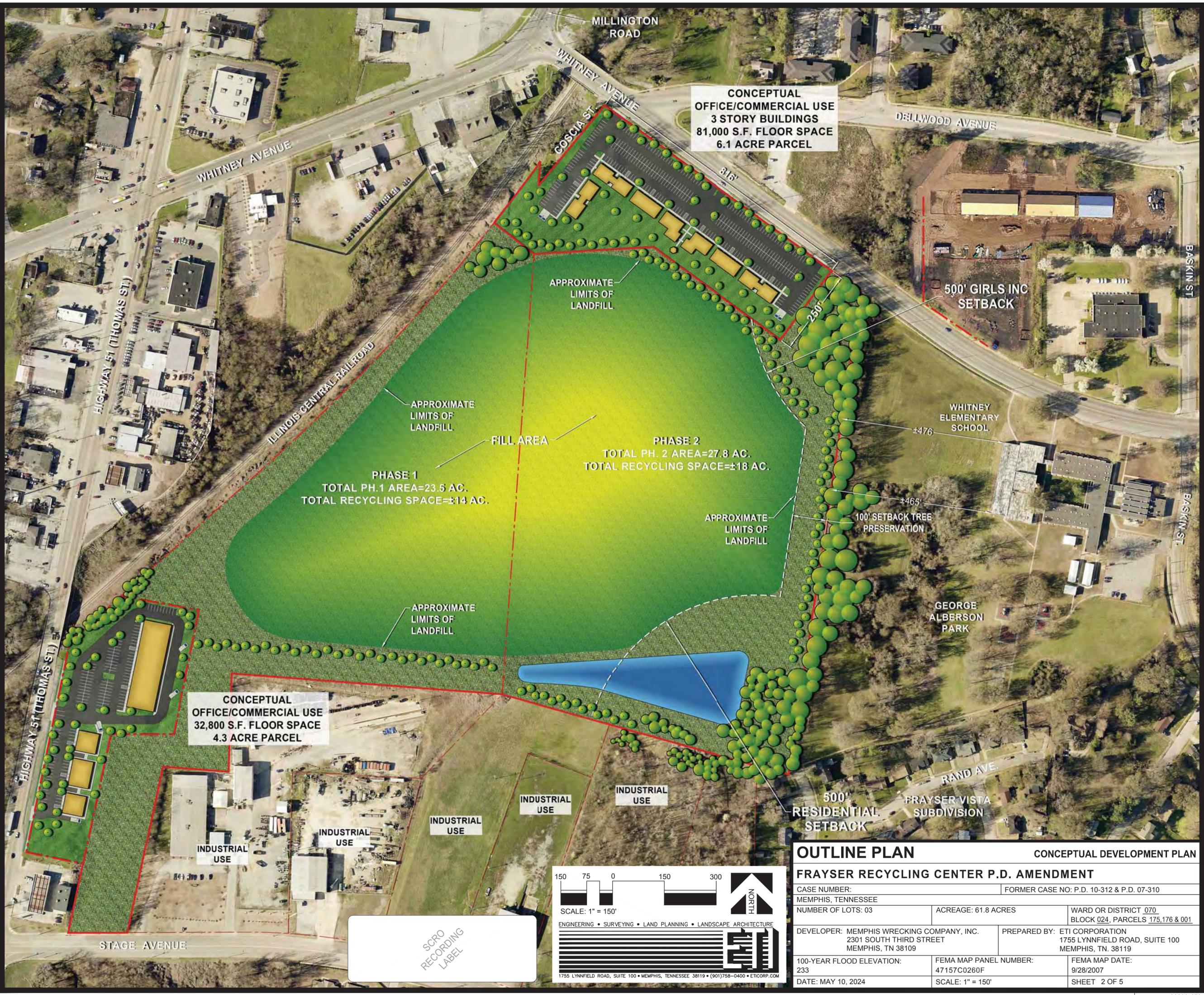
TOTAL PH. 2 AREA AFTER COMMERCIAL
OFFICE SUBDIVIDE = 27.8 AC.
TOTAL LANDFILL RECYCLING
SPACE = ±18 AC.



OUTLINE PLAN		SITE PLAN
FRAYSER RECYCLING CENTER P.D. AMENDMENT		
CASE NUMBER:	FORMER CASE NO: P.D. 10-312 & P.D. 07-310	
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: 03	ACREAGE: 61.8 ACRES	WARD OR DISTRICT: 070 BLOCK 024, PARCELS 175,176 & 001
DEVELOPER: MEMPHIS WRECKING COMPANY, INC. 2301 SOUTH THIRD STREET MEMPHIS, TN 38109		PREPARED BY: ETI CORPORATION 1755 LYNNFIELD ROAD, SUITE 100 MEMPHIS, TN. 38119
100-YEAR FLOOD ELEVATION: 233	FEMA MAP PANEL NUMBER: 47157C0260F	FEMA MAP DATE: 9/28/2007
DATE: MAY 10, 2024	SCALE: 1" = 150'	SHEET 1 OF 5



REF: 202210F01 Phase 2 Planning 20220801.dwg



CONCEPTUAL OFFICE/COMMERCIAL USE
 3 STORY BUILDINGS
 81,000 S.F. FLOOR SPACE
 6.1 ACRE PARCEL

CONCEPTUAL OFFICE/COMMERCIAL USE
 32,800 S.F. FLOOR SPACE
 4.3 ACRE PARCEL

PHASE 1
 TOTAL PH.1 AREA=23.5 AC.
 TOTAL RECYCLING SPACE=±14 AC.

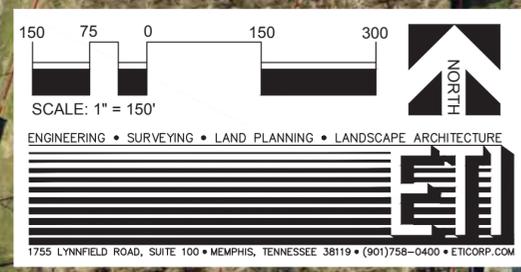
PHASE 2
 TOTAL PH. 2 AREA=27.8 AC.
 TOTAL RECYCLING SPACE=±18 AC.

FILL AREA

OUTLINE PLAN CONCEPTUAL DEVELOPMENT PLAN

FRAYSER RECYCLING CENTER P.D. AMENDMENT

CASE NUMBER: MEMPHIS, TENNESSEE		FORMER CASE NO: P.D. 10-312 & P.D. 07-310	
NUMBER OF LOTS: 03	ACREAGE: 61.8 ACRES	WARD OR DISTRICT 070 BLOCK 024, PARCELS 175,176 & 001	
DEVELOPER: MEMPHIS WRECKING COMPANY, INC. 2301 SOUTH THIRD STREET MEMPHIS, TN 38109		PREPARED BY: ETI CORPORATION 1755 LYNNFIELD ROAD, SUITE 100 MEMPHIS, TN. 38119	
100-YEAR FLOOD ELEVATION: 233	FEMA MAP PANEL NUMBER: 47157C0260F	FEMA MAP DATE: 9/28/2007	
DATE: MAY 10, 2024	SCALE: 1" = 150'	SHEET 2 OF 5	



SCRO
 RECORDING
 LABEL

FRAYSER BUSINESS CENTER PLANNED DEVELOPMENT, AMENDED PROPOSED OUTLINE PLAN CONDITIONS

Proposed additional language is indicated in **bold** and *italic* print; deleted language is indicated in **bold** and ~~strike-through~~.

I. Permitted Uses:

A. Any use permitted by right in the **C-H Highway-Commercial CMU-3 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 CMU-3 District** shall also be permitted:

1. Class **IV III** Landfill subject to the conditions contained herein **and as per state modifications to the state regulations.**
2. Frayser entrance sign
3. **Renewable energy sources**
4. **Museum**
5. **Recreational open space and passive uses.**

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.

A. Minimum 100-foot building setback from Thomas Street, except for the commercial parcels

B. Minimum 30-foot building setback for commercial parcels along Whitney Avenue and Highway 51

C. Minimum 100-foot building setback from the south property line

D. Minimum 100-foot setback for landfill fill activity from west (Highway 51) and east (School/Park) property lines

E. Minimum 500-foot landfill fill activity setback from residential property (Frayser Vista Subdivision)

F. Zero lot line setbacks from landfill/recycling activity behind proposed commercial parcels along Highway 51 and Whitney Avenue

G. Minimum 500-foot setback for landfill and recycling activity from Girls Inc.

H. Maximum 370-foot landfill elevation

I. Maximum 40-foot height for buildings

III. Access, Circulation and Parking:

A. **For landfill and recycling operations**, one curb cut shall be permitted on Thomas **Street and one exit on Stage Road** with the location as generally indicated on the Outline Plan. **Three curb cuts shall be permitted for the commercial parcels on Whitney Avenue, and two curb cuts along Highway 51 as allowed by City requirements.**

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

D. An exit **entrance** road via a north/south access easement to Stage Road shall be provided for the landfill use in this planned development. **A paved entrance road to Highway 51 shall be provided for landfill use in this planned development.**

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 Plan ~~4~~ including a four (4) foot high berm, and shall be irrigated, **as well as additional vegetation for screening purposes along the southerly boundary, northerly boundary (Whitney Avenue) and added vegetation along the easterly property line.**

D. The berm and landscaping along Thomas Street for the **landfill/recycling land use** shall be constructed and planted prior to any Class ~~IV III~~ filling on site.

E. A minimum **100-foot-wide** tree preservation area 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 CMU-3 Mixed Use 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 **Division of Planning and Development** Office of Planning and Development approval.

B. Attached signage shall be in conformance with the **C-H Highway-Commercial CMU-3** 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 onsite 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 III Landfill Requirements:

A. The hours of operation shall be limited to **7 am to 5 pm- 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 ~~290-370~~ **elevation** 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 **open** fires shall be permitted.

F. No vehicular egress from the site shall be permitted to Thomas Street.

G. Except for protective fences, no building or structures, 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. Security gates shall be provided at the main **landfill site** entrance **and exit** as shown on the Outline Plan and which shall remain locked at all times when **active operations are not taking place closed. Security cameras are also in place to monitor the property at all times.**

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, **except for property lines shared with a commercial lot.**

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 **within the landfill as regulated by the State of Tennessee.**

O. Until the State of Tennessee has approved the closure of the landfill, no development shall be constructed on the **landfill/recycling** 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. The tree preservation area located in the **northern along the eastern** portion of the property as shown on the Outline Plan shall be a non-disturbed area, **with the exception of the removal of diseased or dead vegetation.**

R. The **landfill** 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.

S. Trained personnel shall always be present during **landfill** operation hours to operate the facility.

T. ~~The~~ **landfill** facility shall be locked at all times outside of normal hours of operation and whenever trained personnel are not present on-site. **Security cameras are present on site and gates can be monitored remotely if needed.**

U. ~~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 Division of Planning and Development Office of Planning and 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.~~

V. The entrance drive shall be asphalted for approximately 100-feet from Thomas Street.

W. A gravel access road shall be provided from the asphalt entrance drive for approximately 500-feet.

X. An all-weather drive shall be provided from the gravel access road to the deposit area.

Y. A sprinkling system shall be provided on-site and utilized for dust control.

Z. Water and/or calcium shall be utilized for dust control.

AA. A truck wheel wash facility shall be provided on-site.

BB. Any windblown debris shall be collected daily and deposited in appropriate storage bins.

IX. Site Plan Review Except for Landfill Operations

A. A Site Plan shall be submitted for the review and comment of the **Division of Planning and Development (DPD) Office of Planning and Development** and appropriate City agencies; and the approval of **DPD** 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 **DPD** approval. **If DPD 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-~~ **100-**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.

X. 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 **Division of Planning and Development Office of Planning and Development**, to have such action reviewed by the legislative bodies.

XI. 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.

XII. Any final plan shall include the following:

A. The Outline Plan conditions.

B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.

C. The exact location and dimensions including height of all buildings or build-able 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.

D. The number of parking spaces.

E. The location and ownership, whether public or private of any easement.

F. The Floodway District boundary, the 100-year floor elevation and any wetlands.

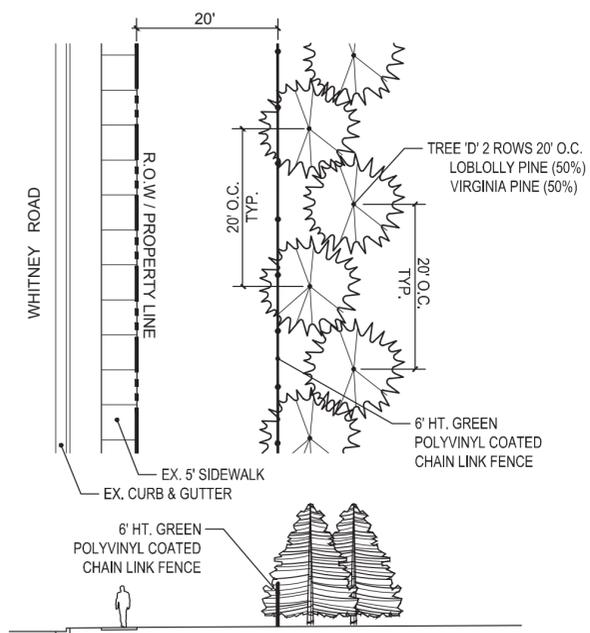
G. The following note shall be placed on the final plat of any development requiring onsite storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City or County Engineer, 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.

OUTLINE PLAN		WRITTEN CONDITIONS
FRAYSER RECYCLING CENTER P.D. AMENDMENT		
CASE NUMBER:	FORMER CASE NO: P.D. 10-312 & P.D. 07-310	
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: 03	ACREAGE: 61.8 ACRES	WARD OR DISTRICT <u>070</u> BLOCK <u>024</u> , PARCELS <u>175,176 & 001</u>
DEVELOPER: MEMPHIS WRECKING COMPANY, INC. 2301 SOUTH THIRD STREET MEMPHIS, TN 38109		PREPARED BY: ETI CORPORATION 1755 LYNNFIELD ROAD, SUITE 100 MEMPHIS, TN. 38119
100-YEAR FLOOD ELEVATION: 233	FEMA MAP PANEL NUMBER: 47157C0260F	FEMA MAP DATE: 9/28/2007
DATE: MAY 10, 2024	SCALE: 1" = 20'	SHEET 4 OF 5

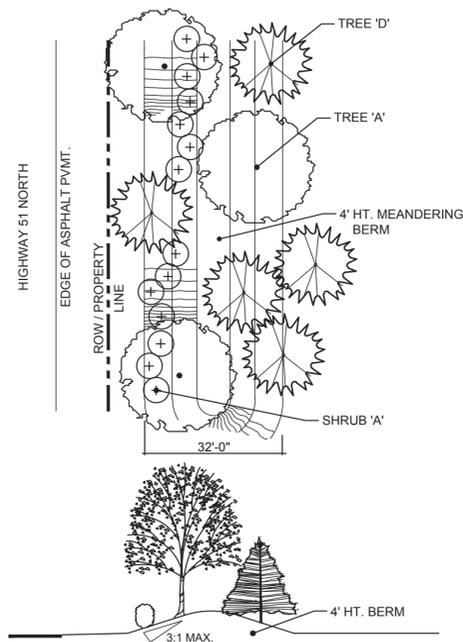


ENGINEERING • SURVEYING • LAND PLANNING • LANDSCAPE ARCHITECTURE

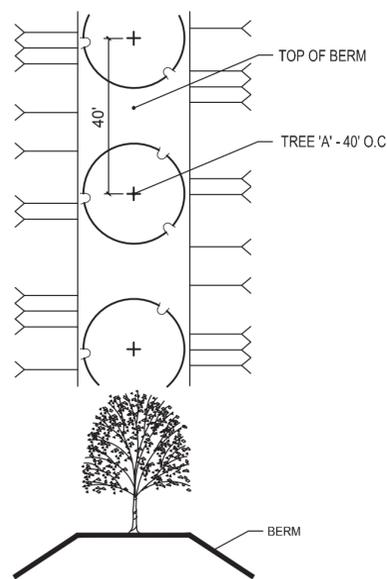




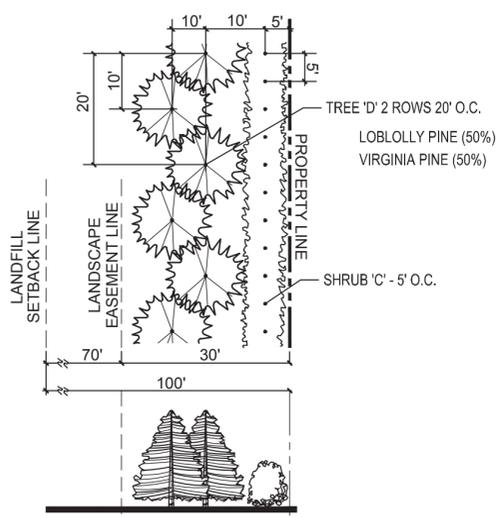
**LANDSCAPE SCREEN
MODIFIED TYPE S-12**



**LANDSCAPE SCREEN
MODIFIED PLATE A4**



**LANDSCAPE SCREEN
MODIFIED PLATE RV3**



**LANDSCAPE SCREEN
MODIFIED PLATE B4**

OWNER'S CERTIFICATE

WE, STEVE WILLIAMSON, PRESIDENT & CAROL WILLIAMSON, CEO OF MEMPHIS WRECKING COMPANY, INC. THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN, HEREBY ADOPT THIS PLAT AS MY PLAN OF DEVELOPMENT AND DEDICATE THE STREETS, RIGHT-OF-WAY, AND GRANT THE EASEMENTS AS SHOWN AND/OR DESCRIBED TO PUBLIC USE FOREVER. I CERTIFY THAT I AM THE OWNER OF THE SAID PROPERTY IN FEE SIMPLE, DULY AUTHORIZED TO ACT, AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE.

STEVE WILLIAMSON, PRESIDENT _____ DATE _____

CAROL WILLIAMSON, CEO _____ DATE _____

NOTARY CERTIFICATE

STATE OF TENNESSEE
COUNTY OF SHELBY

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID STATE AND COUNTY AT MEMPHIS, DULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED STEVE WILLIAMSON, PRESIDENT AND CAROL WILLIAMSON, CEO, WITH WHOM I AM PERSONALLY ACQUAINTED, AND WHO UPON HER OATH ACKNOWLEDGED THEMSELVES TO BE OWNERS OF MEMPHIS WRECKING COMPANY, INC., THE WITHIN NAMED BARGAINERS, AND THAT HE/SHE EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

NOTARY PUBLIC _____ DATE: _____

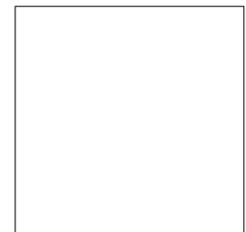
MY COMMISSION EXPIRES _____

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, IS IN CONFORMANCE WITH THE DESIGN REQUIREMENTS OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, THE SPECIFIC CONDITIONS IMPOSED ON THIS DEVELOPMENT, AND TAKES INTO ACCOUNT ALL APPLICABLE FEDERAL, STATE, AND LOCAL BUILDING LAWS AND REGULATIONS.

BY _____ DATE _____
MATTHEW D. WOLFE, P.E.

TENNESSEE LICENSE NO. 105709



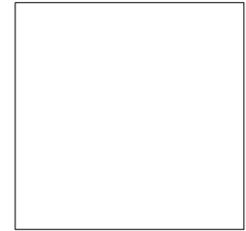
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS A CATEGORY I SURVEY AND THAT THE PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 OR GREATER; THAT THIS PLAT HAS BEEN PREPARED BY ME OR UNDER MY INDIVIDUAL SUPERVISION AND CONFORMS WITH APPLICABLE STATE LAWS, THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, AND SPECIFIC CONDITIONS IMPOSED ON THIS DEVELOPMENT RELATING TO THE PRACTICE OF SURVEYING.

ETI CORPORATION
1755 LYNNFIELD ROAD, SUITE 100
MEMPHIS, TENNESSEE 38119

BY: CHRISTOPHER E. PERRY, RLS DATE 1/24/24

TENNESSEE LICENSE NO. 2021



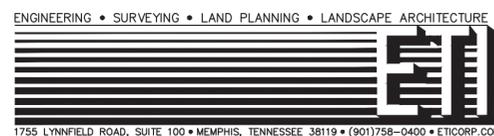
LAND USE & DEVELOPMENT SERVICES CERTIFICATE

THIS FINAL PLAT CONFORMS WITH THE PLANNED DEVELOPMENT ACTED ON BY THE LAND USE CONTROL BOARD ON _____ AND APPROVED BY THE COUNCIL OF THE CITY OF MEMPHIS ON _____.

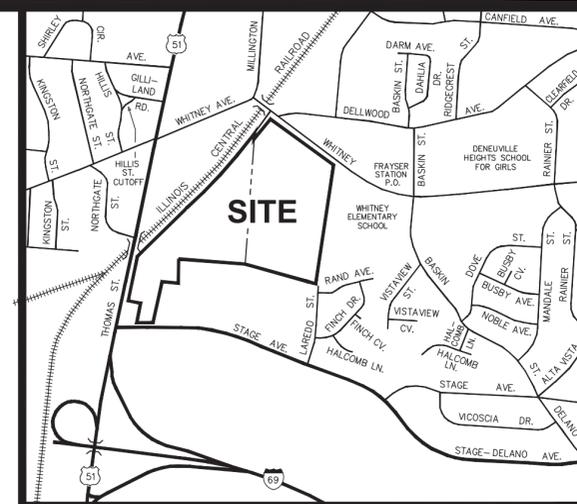
BY _____ DATE _____
ZONING ADMINISTRATOR

LUDS _____ DATE _____

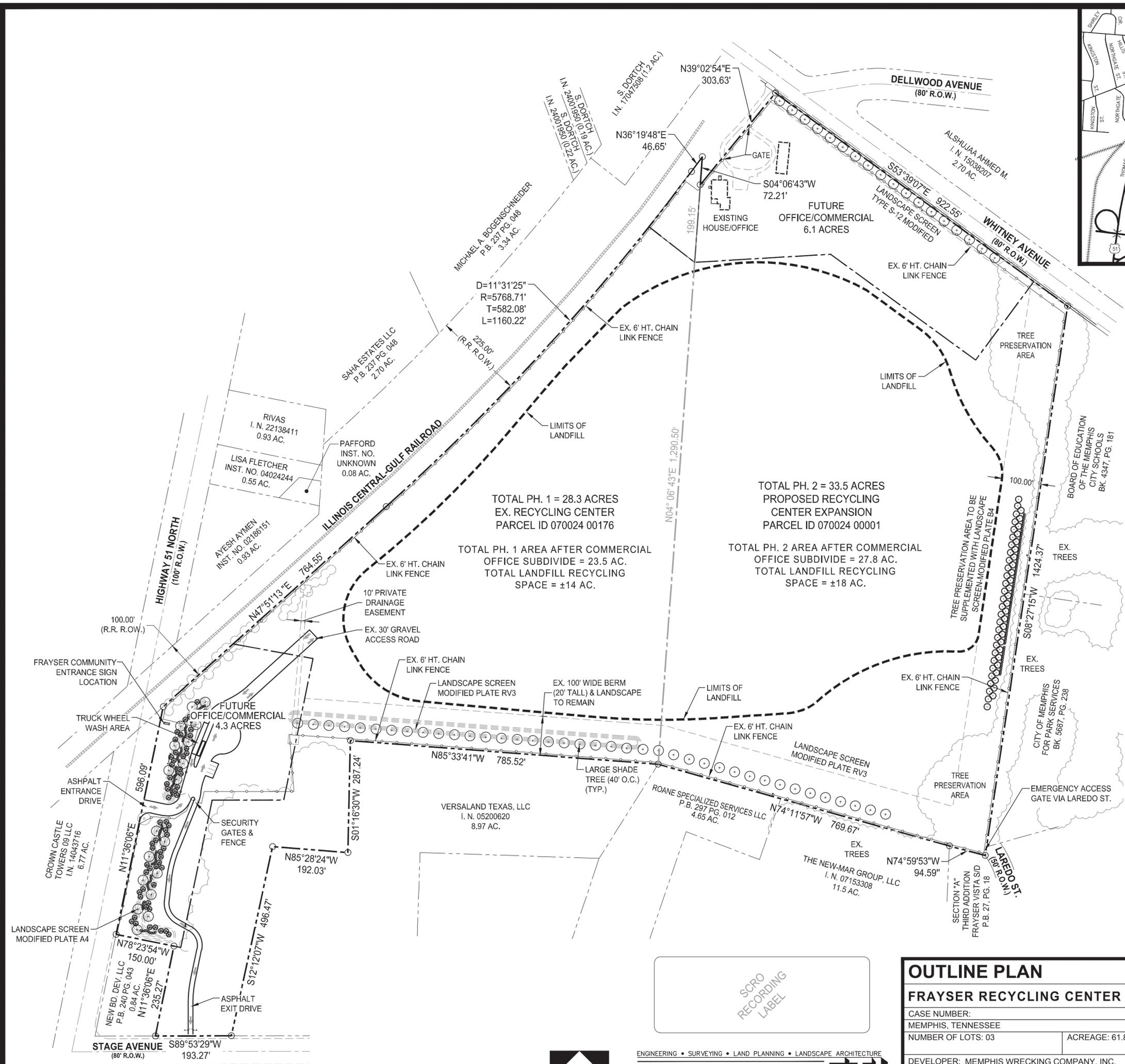
CITY / COUNTY ENGINEER _____ DATE _____



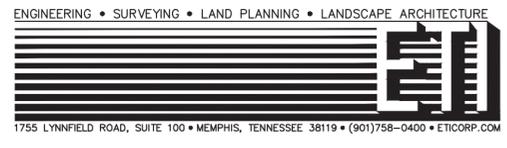
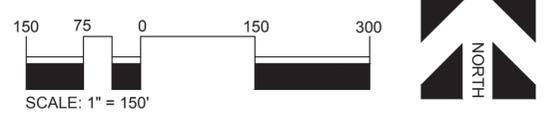
OUTLINE PLAN		CERTIFICATES & LANDSCAPE PLATES	
FRAYSER RECYCLING CENTER P.D. AMENDMENT			
CASE NUMBER: _____		FORMER CASE NO: P.D. 10-312 & P.D. 07-310	
MEMPHIS, TENNESSEE			
NUMBER OF LOTS: 03	ACREAGE: 61.8 ACRES	WARD OR DISTRICT <u>070</u> BLOCK <u>024</u> , PARCELS <u>175,176 & 001</u>	
DEVELOPER: MEMPHIS WRECKING COMPANY, INC. 2301 SOUTH THIRD STREET MEMPHIS, TN 38109		PREPARED BY: ETI CORPORATION 1755 LYNNFIELD ROAD, SUITE 100 MEMPHIS, TN. 38119	
100-YEAR FLOOD ELEVATION: 233	FEMA MAP PANEL NUMBER: 47157C0260F	FEMA MAP DATE: 9/28/2007	
DATE: MAY 10, 2024	SCALE:	SHEET 5 OF 5	



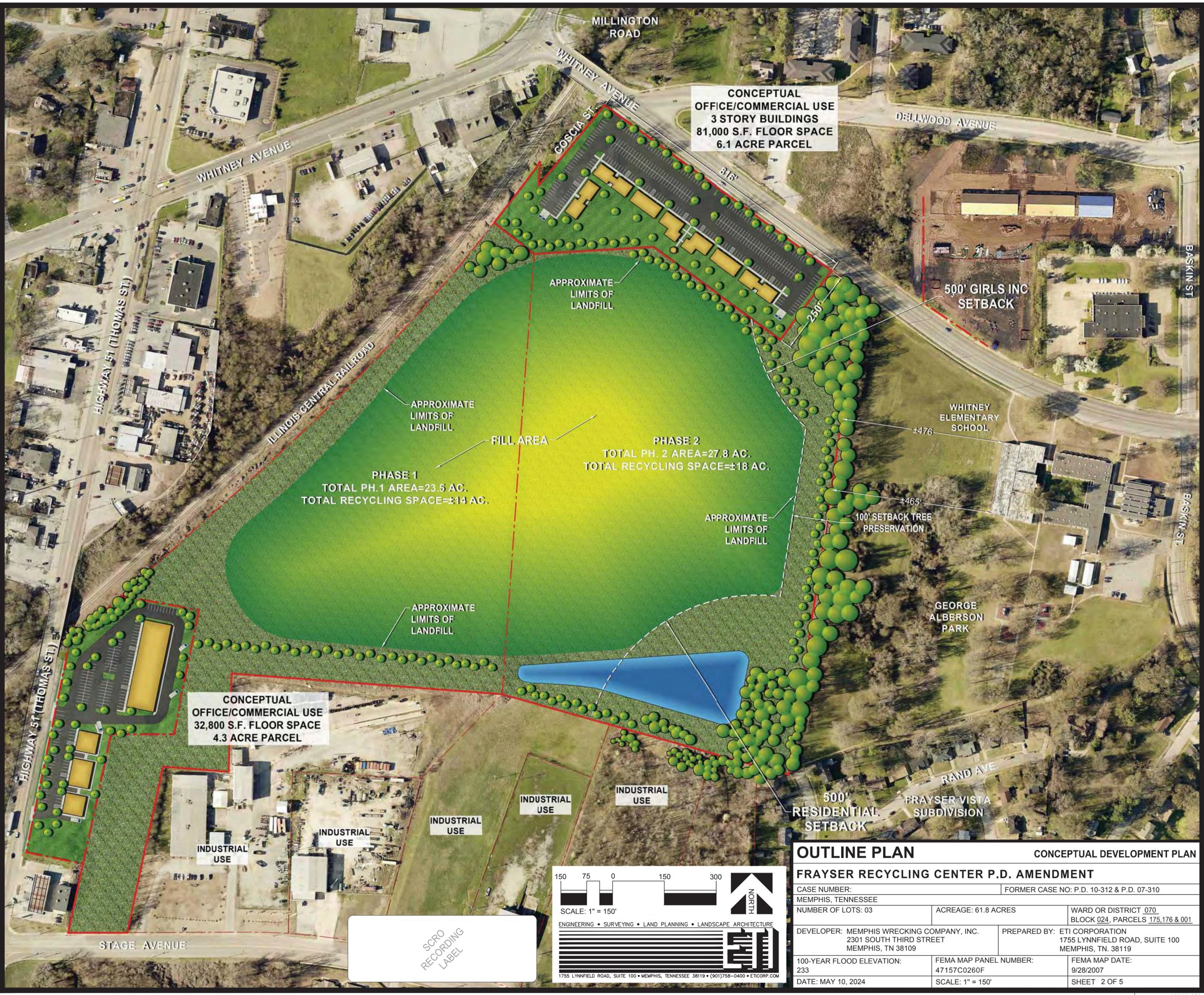
VICINITY MAP
N.T.S.



OUTLINE PLAN		SITE PLAN
FRAYSER RECYCLING CENTER P.D. AMENDMENT		
CASE NUMBER:	FORMER CASE NO: P.D. 10-312 & P.D. 07-310	
MEMPHIS, TENNESSEE	NUMBER OF LOTS: 03	ACREAGE: 61.8 ACRES
WARD OR DISTRICT 070	BLOCK 024, PARCELS 175,176 & 001	
DEVELOPER: MEMPHIS WRECKING COMPANY, INC. 2301 SOUTH THIRD STREET MEMPHIS, TN 38109	PREPARED BY: ETI CORPORATION 1755 LYNNFIELD ROAD, SUITE 100 MEMPHIS, TN. 38119	
100-YEAR FLOOD ELEVATION: 233	FEMA MAP PANEL NUMBER: 47157C0260F	FEMA MAP DATE: 9/28/2007
DATE: MAY 10, 2024	SCALE: 1" = 150'	SHEET 1 OF 5



REF: 202210F01.dwg
DATE: 2024-05-10 Phase 2 Planning 202210F01.dwg



**CONCEPTUAL
OFFICE/COMMERCIAL USE
3 STORY BUILDINGS
81,000 S.F. FLOOR SPACE
6.1 ACRE PARCEL**

**CONCEPTUAL
OFFICE/COMMERCIAL USE
32,800 S.F. FLOOR SPACE
4.3 ACRE PARCEL**

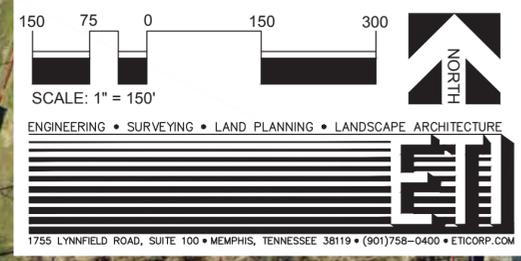
**PHASE 1
TOTAL PH.1 AREA=23.5 AC.
TOTAL RECYCLING SPACE=±14 AC.**

**PHASE 2
TOTAL PH. 2 AREA=27.8 AC.
TOTAL RECYCLING SPACE=±18 AC.**

OUTLINE PLAN CONCEPTUAL DEVELOPMENT PLAN

FRAYSER RECYCLING CENTER P.D. AMENDMENT

CASE NUMBER: MEMPHIS, TENNESSEE		FORMER CASE NO: P.D. 10-312 & P.D. 07-310	
NUMBER OF LOTS: 03	ACREAGE: 61.8 ACRES	WARD OR DISTRICT 070 BLOCK 024, PARCELS 175,176 & 001	
DEVELOPER: MEMPHIS WRECKING COMPANY, INC. 2301 SOUTH THIRD STREET MEMPHIS, TN 38109		PREPARED BY: ETI CORPORATION 1755 LYNNFIELD ROAD, SUITE 100 MEMPHIS, TN. 38119	
100-YEAR FLOOD ELEVATION: 233	FEMA MAP PANEL NUMBER: 47157C0260F	FEMA MAP DATE: 9/28/2007	
DATE: MAY 10, 2024	SCALE: 1" = 150'	SHEET 2 OF 5	



SCRO
RECORDING
LABEL

FRAYSER BUSINESS CENTER PLANNED DEVELOPMENT, AMENDED PROPOSED OUTLINE PLAN CONDITIONS

Proposed additional language is indicated in **bold** and *italic* print; deleted language is indicated in **bold** and ~~strike-through~~.

I. Permitted Uses:

A. Any use permitted by right in the **C-H Highway-Commercial CMU-3 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 CMU-3 District** shall also be permitted:

1. Class **IV III** Landfill subject to the conditions contained herein **and as per state modifications to the state regulations.**
2. Frayser entrance sign
3. **Renewable energy sources**
4. **Museum**
5. **Recreational open space and passive uses.**

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.

A. Minimum 100-foot building setback from Thomas Street, except for the commercial parcels

B. Minimum 30-foot building setback for commercial parcels along Whitney Avenue and Highway 51

C. Minimum 100-foot building setback from the south property line

D. Minimum 100-foot setback for landfill fill activity from west (Highway 51) and east (School/Park) property lines

E. Minimum 500-foot landfill fill activity setback from residential property (Frayser Vista Subdivision)

F. Zero lot line setbacks from landfill/recycling activity behind proposed commercial parcels along Highway 51 and Whitney Avenue

G. Minimum 500-foot setback for landfill and recycling activity from Girls Inc.

H. Maximum 370-foot landfill elevation

I. Maximum 40-foot height for buildings

III. Access, Circulation and Parking:

A. **For landfill and recycling operations**, one curb cut shall be permitted on Thomas **Street and one exit on Stage Road** with the location as generally indicated on the Outline Plan. **Three curb cuts shall be permitted for the commercial parcels on Whitney Avenue, and two curb cuts along Highway 51 as allowed by City requirements.**

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

D. An exit **entrance** road via a north/south access easement to Stage Road shall be provided for the landfill use in this planned development. **A paved entrance road to Highway 51 shall be provided for landfill use in this planned development.**

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 Plan ~~4~~ including a four (4) foot high berm, and shall be irrigated, **as well as additional vegetation for screening purposes along the southerly boundary, northerly boundary (Whitney Avenue) and added vegetation along the easterly property line.**

D. The berm and landscaping along Thomas Street for the **landfill/recycling land use** shall be constructed and planted prior to any Class ~~IV III~~ filling on site.

E. A minimum **100-foot-wide** tree preservation area 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 CMU-3 Mixed Use 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 **Division of Planning and Development** Office of Planning and Development approval.

B. Attached signage shall be in conformance with the **C-H Highway-Commercial CMU-3** 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 onsite 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 III Landfill Requirements:

A. The hours of operation shall be limited to **7 am to 5 pm- 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 ~~290-370~~ **elevation** 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 **open** fires shall be permitted.

F. No vehicular egress from the site shall be permitted to Thomas Street.

G. Except for protective fences, no building or structures, 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. Security gates shall be provided at the main **landfill site** entrance **and exit** as shown on the Outline Plan and which shall remain locked at all times when **active operations are not taking place closed. Security cameras are also in place to monitor the property at all times.**

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, **except for property lines shared with a commercial lot.**

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 **within the landfill as regulated by the State of Tennessee.**

O. Until the State of Tennessee has approved the closure of the landfill, no development shall be constructed on the **landfill/recycling** 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. The tree preservation area located in the **northern along the eastern** portion of the property as shown on the Outline Plan shall be a non-disturbed area, **with the exception of the removal of diseased or dead vegetation.**

R. The **landfill** 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.

S. Trained personnel shall always be present during **landfill** operation hours to operate the facility.

T. ~~The~~ **landfill** facility shall be locked at all times outside of normal hours of operation and whenever trained personnel are not present on-site. **Security cameras are present on site and gates can be monitored remotely if needed.**

U. ~~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 Division of Planning and Development Office of Planning and 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.~~

V. The entrance drive shall be asphalted for approximately 100-feet from Thomas Street.

W. A gravel access road shall be provided from the asphalt entrance drive for approximately 500-feet.

X. An all-weather drive shall be provided from the gravel access road to the deposit area.

Y. A sprinkling system shall be provided on-site and utilized for dust control.

Z. Water and/or calcium shall be utilized for dust control.

AA. A truck wheel wash facility shall be provided on-site.

BB. Any windblown debris shall be collected daily and deposited in appropriate storage bins.

IX. Site Plan Review Except for Landfill Operations

A. A Site Plan shall be submitted for the review and comment of the **Division of Planning and Development (DPD) Office of Planning and Development** and appropriate City agencies; and the approval of **DPD** 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 **DPD** approval. **If DPD 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-~~ **100-**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.

X. 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 **Division of Planning and Development Office of Planning and Development**, to have such action reviewed by the legislative bodies.

XI. 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.

XII. Any final plan shall include the following:

A. The Outline Plan conditions.

B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.

C. The exact location and dimensions including height of all buildings or build-able 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.

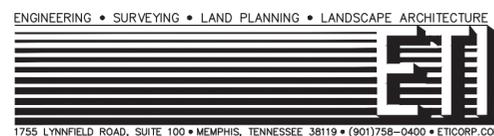
D. The number of parking spaces.

E. The location and ownership, whether public or private of any easement.

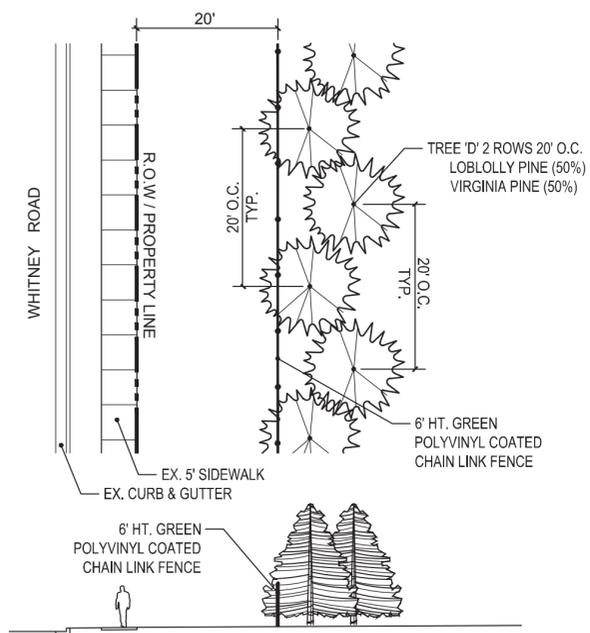
F. The Floodway District boundary, the 100-year floor elevation and any wetlands.

G. The following note shall be placed on the final plat of any development requiring onsite 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.

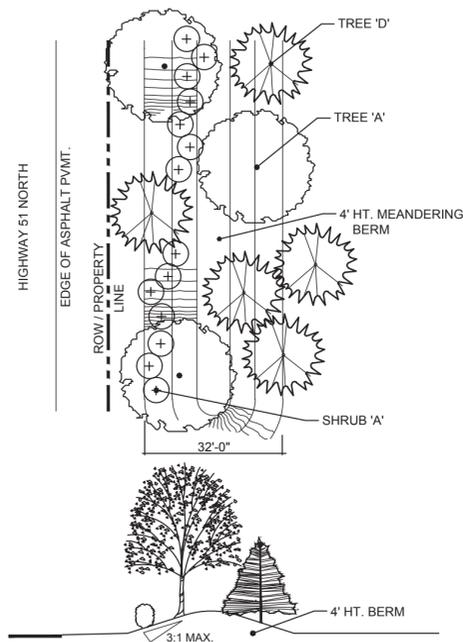
OUTLINE PLAN		WRITTEN CONDITIONS
FRAYSER RECYCLING CENTER P.D. AMENDMENT		
CASE NUMBER:	FORMER CASE NO: P.D. 10-312 & P.D. 07-310	
MEMPHIS, TENNESSEE		
NUMBER OF LOTS: 03	ACREAGE: 61.8 ACRES	WARD OR DISTRICT <u>070</u> BLOCK <u>024</u> , PARCELS <u>175,176 & 001</u>
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100-YEAR FLOOD ELEVATION: 233	FEMA MAP PANEL NUMBER: 47157C0260F	FEMA MAP DATE: 9/28/2007
DATE: MAY 10, 2024	SCALE: 1" = 20'	SHEET 4 OF 5



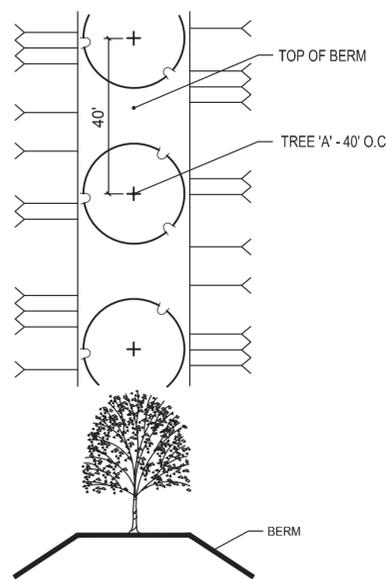
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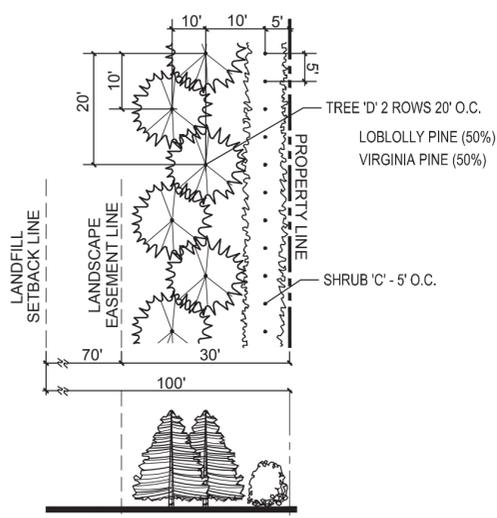
**LANDSCAPE SCREEN
MODIFIED TYPE S-12**



**LANDSCAPE SCREEN
MODIFIED PLATE A4**



**LANDSCAPE SCREEN
MODIFIED PLATE RV3**



**LANDSCAPE SCREEN
MODIFIED PLATE B4**

OWNER'S CERTIFICATE

WE, STEVE WILLIAMSON, PRESIDENT & CAROL WILLIAMSON, CEO OF MEMPHIS WRECKING COMPANY, INC. THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN, HEREBY ADOPT THIS PLAT AS MY PLAN OF DEVELOPMENT AND DEDICATE THE STREETS, RIGHT-OF-WAY, AND GRANT THE EASEMENTS AS SHOWN AND/OR DESCRIBED TO PUBLIC USE FOREVER. I CERTIFY THAT I AM THE OWNER OF THE SAID PROPERTY IN FEE SIMPLE, DULY AUTHORIZED TO ACT, AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE.

STEVE WILLIAMSON, PRESIDENT _____ DATE _____

CAROL WILLIAMSON, CEO _____ DATE _____

NOTARY CERTIFICATE

STATE OF TENNESSEE
COUNTY OF SHELBY

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID STATE AND COUNTY AT MEMPHIS, DULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED STEVE WILLIAMSON, PRESIDENT AND CAROL WILLIAMSON, CEO, WITH WHOM I AM PERSONALLY ACQUAINTED, AND WHO UPON HER OATH ACKNOWLEDGED THEMSELVES TO BE OWNERS OF MEMPHIS WRECKING COMPANY, INC., THE WITHIN NAMED BARGAINERS, AND THAT HE/SHE EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

NOTARY PUBLIC _____ DATE: _____

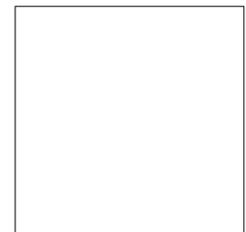
MY COMMISSION EXPIRES _____

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, IS IN CONFORMANCE WITH THE DESIGN REQUIREMENTS OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, THE SPECIFIC CONDITIONS IMPOSED ON THIS DEVELOPMENT, AND TAKES INTO ACCOUNT ALL APPLICABLE FEDERAL, STATE, AND LOCAL BUILDING LAWS AND REGULATIONS.

BY _____ DATE _____
MATTHEW D. WOLFE, P.E.

TENNESSEE LICENSE NO. 105709



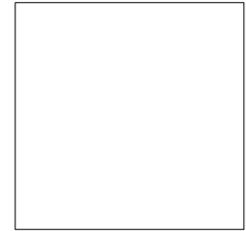
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS A CATEGORY I SURVEY AND THAT THE PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 OR GREATER; THAT THIS PLAT HAS BEEN PREPARED BY ME OR UNDER MY INDIVIDUAL SUPERVISION AND CONFORMS WITH APPLICABLE STATE LAWS, THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, AND SPECIFIC CONDITIONS IMPOSED ON THIS DEVELOPMENT RELATING TO THE PRACTICE OF SURVEYING.

ETI CORPORATION
1755 LYNNFIELD ROAD, SUITE 100
MEMPHIS, TENNESSEE 38119

BY: CHRISTOPHER E. PERRY, RLS DATE 1/24/24

TENNESSEE LICENSE NO. 2021



LAND USE & DEVELOPMENT SERVICES CERTIFICATE

THIS FINAL PLAT CONFORMS WITH THE PLANNED DEVELOPMENT ACTED ON BY THE LAND USE CONTROL BOARD ON _____ AND APPROVED BY THE COUNCIL OF THE CITY OF MEMPHIS ON _____.

BY _____ DATE _____
ZONING ADMINISTRATOR

LUDS _____ DATE _____

CITY / COUNTY ENGINEER _____ DATE _____



OUTLINE PLAN		CERTIFICATES & LANDSCAPE PLATES	
FRAYSER RECYCLING CENTER P.D. AMENDMENT			
CASE NUMBER: _____		FORMER CASE NO: P.D. 10-312 & P.D. 07-310	
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100-YEAR FLOOD ELEVATION: 233	FEMA MAP PANEL NUMBER: 47157C0260F	FEMA MAP DATE: 9/28/2007	
DATE: MAY 10, 2024	SCALE:	SHEET 5 OF 5	

SEE SHEET 1 OF OUTLINE PLAN
ILLUSTRATING LANDSCAPE REQUIREMENTS
LANDSCAPE PLATES ARE SHOWN ON SHEET 5

FRAYSER RECYCLING CENTER PLANNED DEVELOPMENT, AMENDED PROPOSED OUTLINE PLAN CONDITIONS

Proposed additional language is indicated in **bold** and *italic* print; deleted language is indicated in **bold** and ~~strike-through~~.

I. Permitted Uses:

- A. Any use permitted by right in the ~~C-H Highway Commercial~~ **CMU-3 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~~ **CMU-3 District** shall also be permitted:
1. Class ~~IV III~~ Landfill subject to the conditions contained herein **and as per state modifications to the state regulations**.
 2. Frayser entrance sign
 3. **Renewable energy sources**

4. *Museum*

5. *Recreational open space and passive uses.*

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.~~

A. Minimum 100-foot building setback from Thomas Street, except for the commercial parcels

B. Minimum 30-foot building setback for commercial parcels along Whitney Avenue and Highway 51

C. Minimum 100-foot building setback from the south property line

D. Minimum 100-foot setback for landfill fill activity from west (Highway 51) and east (School/Park) property lines

E. Minimum 500-foot landfill fill activity setback from residential property (Frayser Vista Subdivision)

F. Zero lot line setbacks from landfill/recycling activity behind proposed commercial parcels along Highway 51 and Whitney Avenue

G. Minimum 500-foot setback for landfill and recycling activity from Girls Inc.

H. Maximum 370-foot landfill elevation

I. Maximum 40-foot height for buildings

III. Access, Circulation and Parking:

A. *For landfill and recycling operations*, one curb cut shall be permitted on Thomas **Street and one exit on Stage Road** with the location as generally indicated on the Outline Plan. **Three curb cuts shall be permitted for the commercial parcels on Whitney Avenue, and two curb cuts along Highway 51 as allowed by City requirements.**

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

D. An exit/~~entrance~~ road via a north/south access easement to Stage Road shall be provided for the landfill use in this planned development. **A paved entrance road to Highway 51 shall be provided for landfill use in this planned development.**

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 Plan 4 including a four (4) foot high berm, and shall be irrigated, **as well as additional vegetation for screening purposes along the southerly boundary, northerly boundary (Whitney Avenue) and added vegetation along the easterly property line.**
 - D. The berm and landscaping along Thomas Street for the **landfill/recycling land use** shall be constructed and planted prior to any Class ~~IV~~ III filling on site.
 - E. A minimum **100-foot-wide** tree preservation area 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~~ CMU-3 Mixed Use 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 **Division of Planning and Development** Office of Planning and Development approval.
 - B. Attached signage shall be in conformance with the **~~C-H~~ Highway Commercial CMU-3** 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 onsite 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~~ **III** Landfill Requirements:

- A. The hours of operation shall be limited to ~~7 am to 5 pm~~ **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~~ **370** *elevation* 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 **open** fires shall be permitted.
- F. No vehicular egress from the site shall be permitted to 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. Security gates shall be provided at the ~~main~~ **landfill site** entrance **and exit** as shown on the Outline Plan and which shall remain locked at all times when ~~active operations are not taking place~~ **closed. Security cameras are also in place to monitor the property at all times.**
- 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, **except for property lines shared with a commercial lot.**
- 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 **within the landfill as regulated by the State of Tennessee.**
- O. Until the State of Tennessee has approved the closure of the landfill, no development shall be constructed on the **landfill/recycling** 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. The tree preservation area located in the ~~northern~~ **along the eastern** portion of the property as shown on the Outline Plan shall be a non-disturbed area, **with the exception of the removal of diseased or dead vegetation.**
- R. The **landfill** 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.