



STAFF REPORT

AGENDA ITEM: 14

CASE NUMBER: SUP 18-17 **L.U.C.B. MEETING:** September 13, 2018

LOCATION: Channel Avenue
(South side of Channel Avenue; ± 1,000 feet south of Harbor Avenue)

COUNCIL DISTRICTS: District 6; Super District 8

OWNER/APPLICANT: City of Memphis and Shelby County/Watco Companies

REPRESENTATIVE: Watco Companies (Joseph Bitner)

REQUEST: Scrap Metal Facility

AREA: +/-3.91 acres

EXISTING LAND USE & ZONING: Heavy Industrial (IH)

CONCLUSIONS

The proposed use of the property involves the unloading, storing and loading of strap metal awaiting transfer to regional steel producers. Staff supports the request but since a portion of the site has direct access off Channel Avenue, staff recommends limiting the stacks of scrap material to 12 feet in height and screening all stacks from public view.

RECOMMENDATION:

APPROVAL WITH CONDITIONS

Staff Writer: *Staci Tillman*

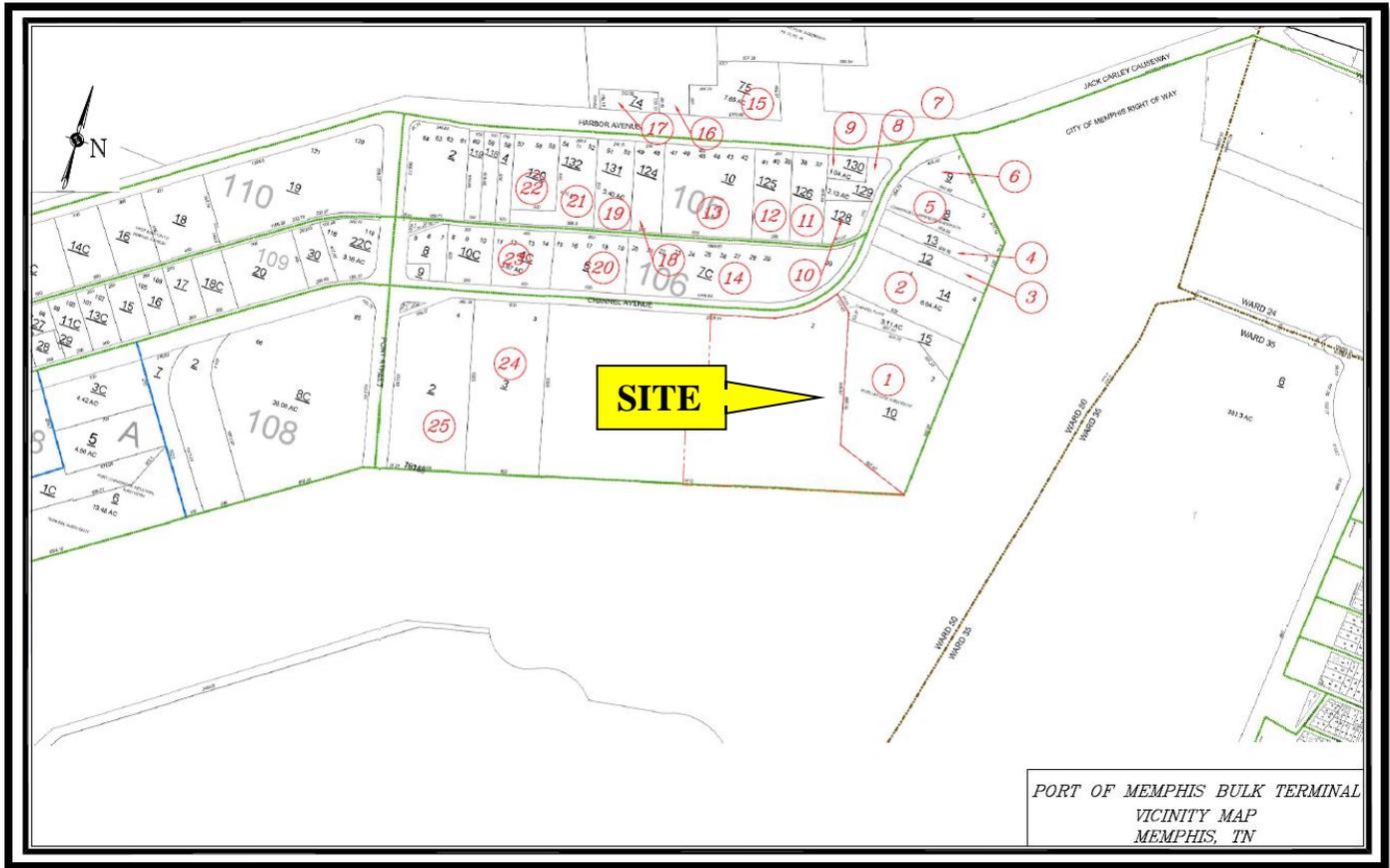
E-mail: staci.tillman@memphistn.gov

LOCATION MAP

The subject property is located on the south side of Channel Avenue on President's Island



VICINITY



PUBLIC NOTICE:

In accordance with Sub-Section 9.3.4A of the Unified Development Code a total of 25 public notices were mailed on August 27, 2018. One sign was posted at the subject property. The sign affidavit has been added to this document as shown on the following page.

NEIGHBORHOOD MEETING:

The meeting was held at 5:30 PM on August 30, 2018, at 1073 Channel Avenue, Memphis, TN 38109.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, LEONARD CRESCENZO, being duly sworn, depose and say that at 10 am/pm on the 30 day of AUGUST, 2018, I posted a Public Notice Sign(s) pertaining to Case No. SUP 18-17 at 1073 CHANNEL AVE MEMPHIS TN 38106 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 (_____ Planned Development, X 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.

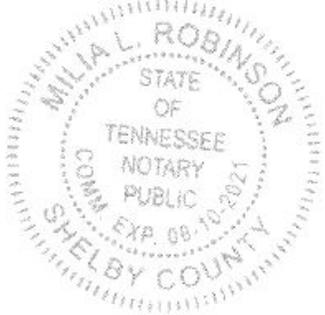
[Signature]
Owner, Applicant or Representative

8/30/18
Date

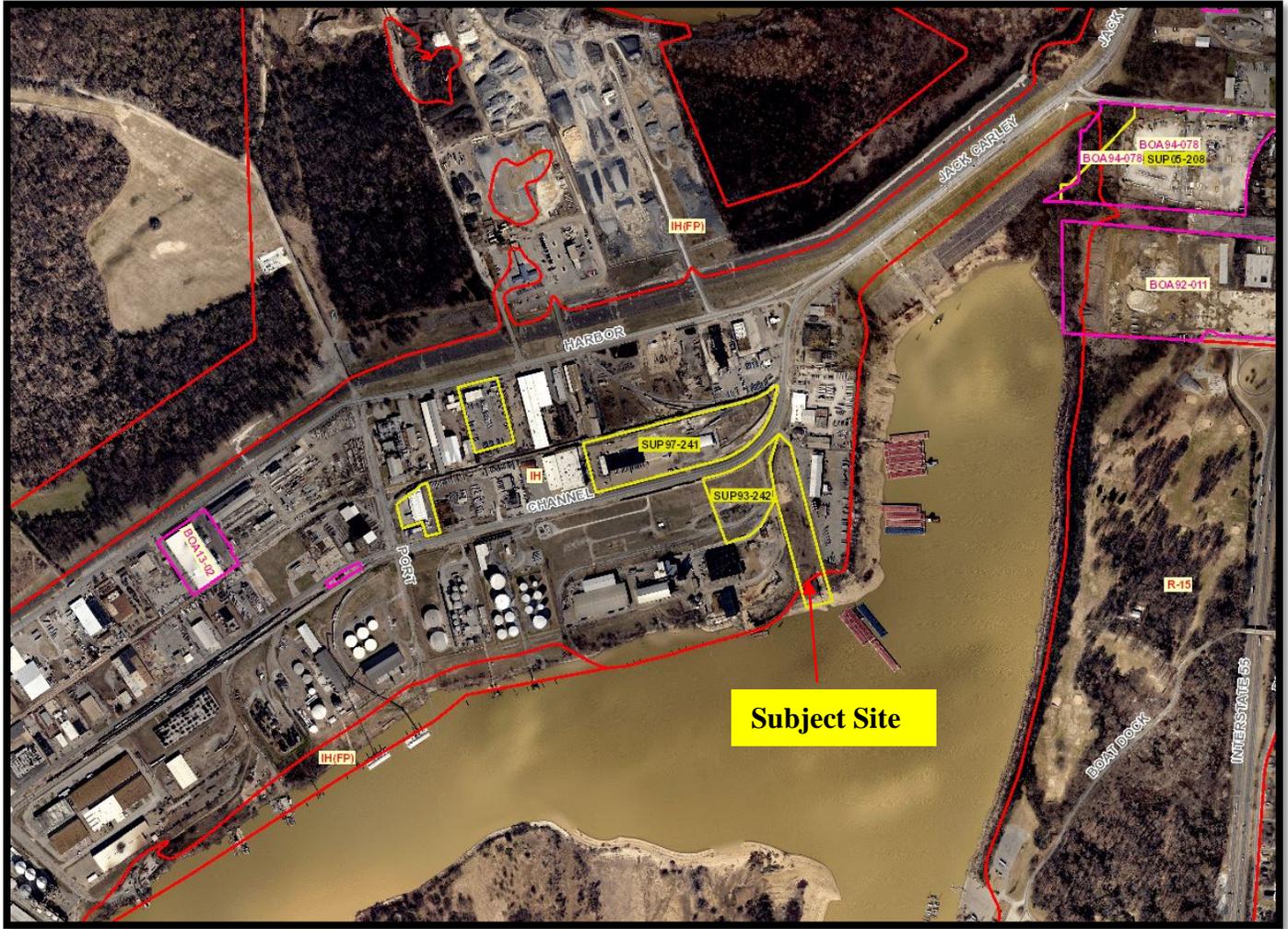
Subscribed and sworn to before me this 30th day of August, 2018.

[Signature]
Notary Public

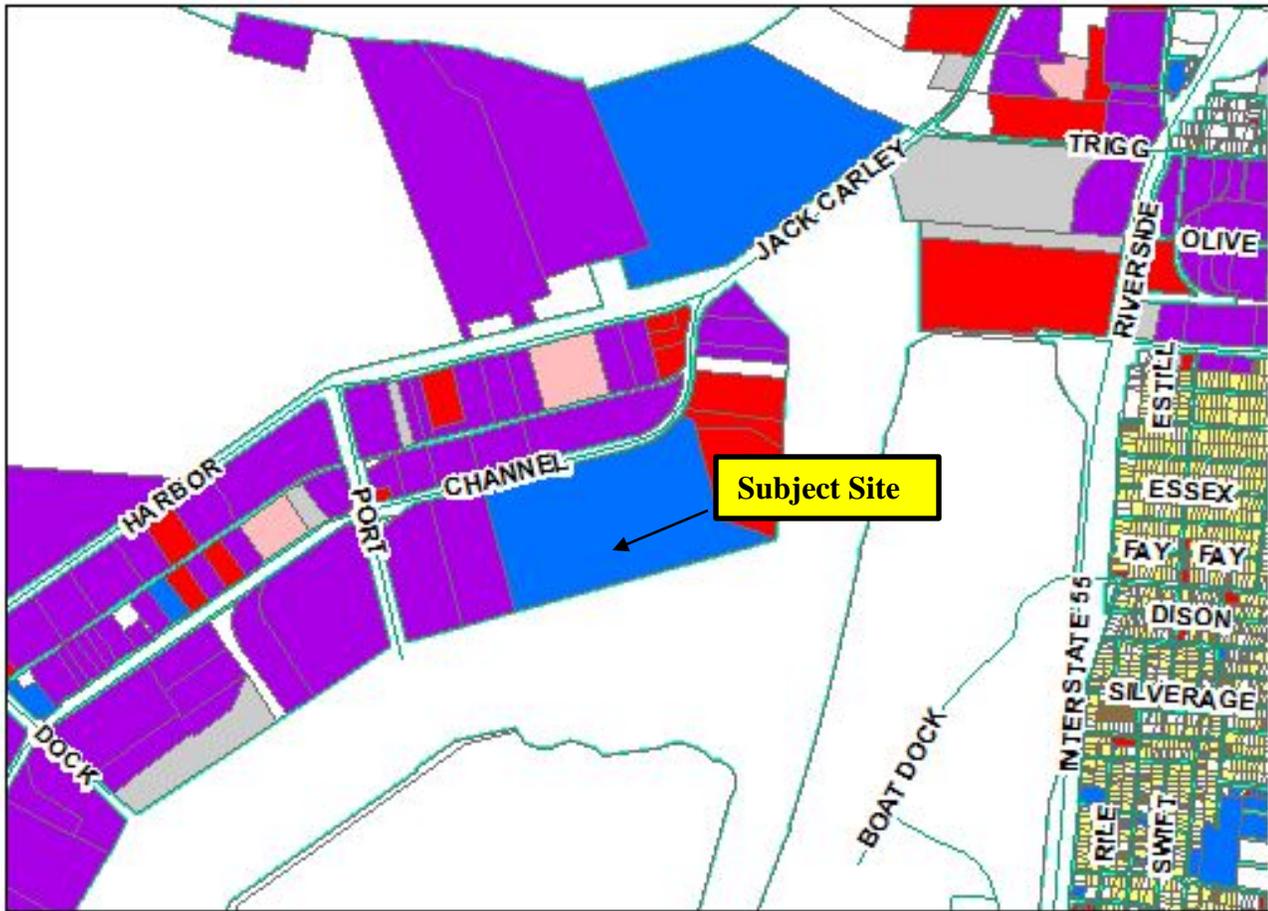
My commission expires: 08-10-2021



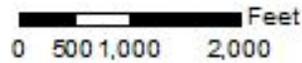
CURRENT ZONING



LAND USE MAP



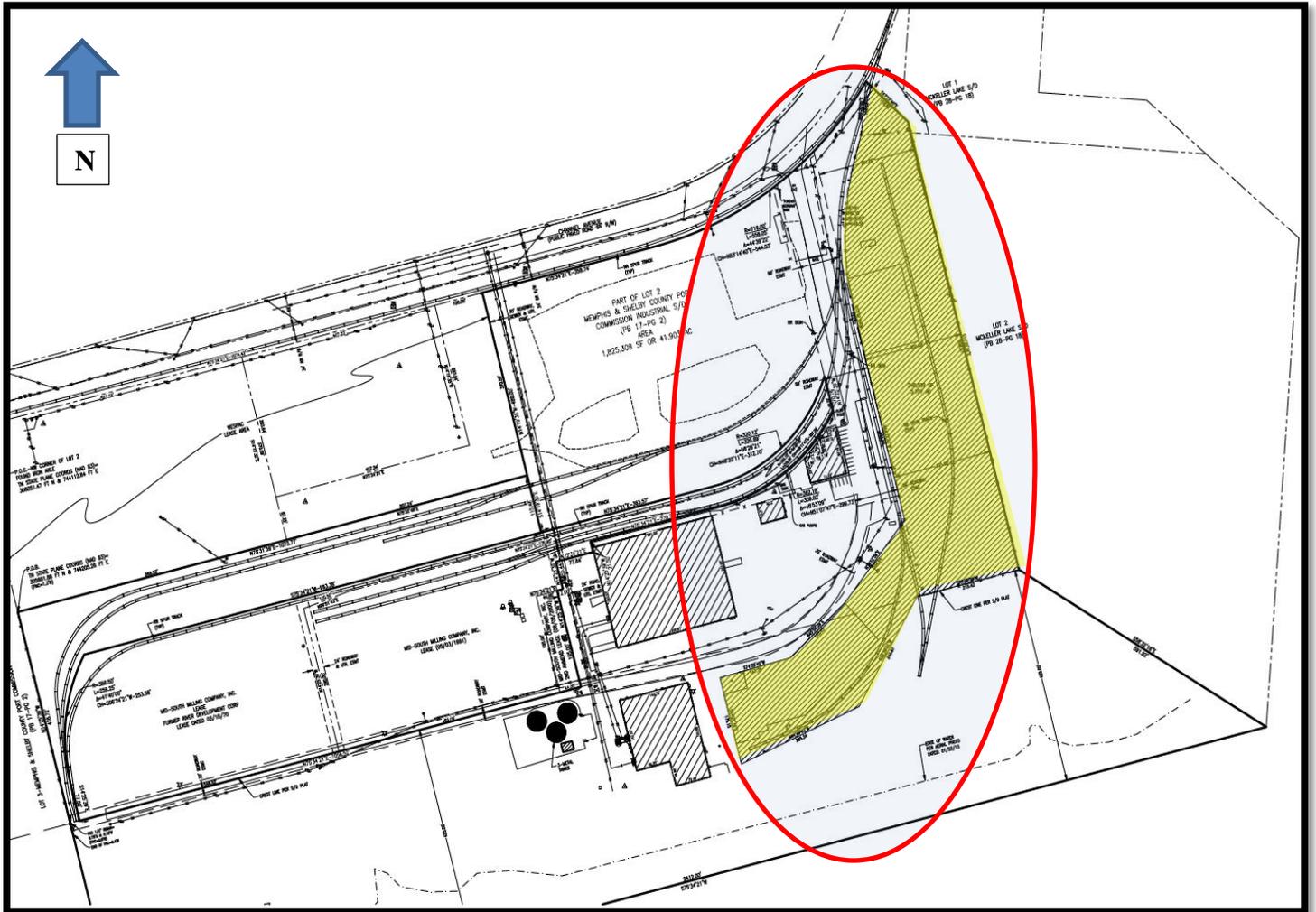
LandUse



 SINGLE-FAMILY	 OFFICE
 MULTI-FAMILY	 INDUSTRIAL
 INSTITUTIONAL	 PARKING
 COMMERCIAL	 VACANT
 RECREATIONAL / OPEN SPACE	



PORTION OF SURVEY



EXISTING CONDITIONS



STAFF ANALYSIS

Review of Request:

Per the applicant's letter, the property will be used for storing and transloading scrap steel. According to the applicant, there will be no manufacturing or processing of the scrap steel at the location. The applicant will use heavy equipment to unload, sort, stack and reload scrap steel for distribution to regional steel producers.

SPECIAL USE PERMIT STANDARDS

Listed below are the findings required by Section 9.6.9 of the Unified Development Code for approval of a Special Use Permit:

- 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.

COMPLIANCE WITH SPECIAL USE PERMIT STANDARDS

- A. The Unified Development Code permits certain “waste related services” as a Special Use on properties that are zoned Heavy Industrial (IH). The subject property is zoned IH and will not have a substantial or undue adverse effect upon any matter affecting the public health, safety, and general welfare.
- B. The site is located within the Port of Memphis, “the Port” on President’s Island. The Port is a barge and freight transportation hub containing a concentration of industrial manufacturers and distributors. The proposed development is designed as an unload and reload operation and will not be used for processing scrap metal. The proposed development is compatible with the surrounding industrial businesses and will not interfere with the development and use of adjacent property in accordance with the Heavy Industrial District regulations.
- C. The applicant will occupy space leased to them by the Memphis and Shelby County Port Commission. The Port is designed to adequately provide essential public facilities to the proposed site and the intended use to handle and store scrap steel. Channel Avenue has adequate capacity to accommodate any additional traffic generated by the proposed facility.
- D. The project is not located in an area designated as historic nor is the proposed use designed to result in the destruction, loss or damage of the waterfront location.
- E. The development does not propose the treatment, disposal, storage or recycling of any potentially hazardous material or substances per Sub-Section 2.6.4E which identifies additional standards for waste-related services.
- F. A Master Plan has been commissioned by the Memphis Port Commission to study the utilization of the proposed site and other terminal sites on President’s Island. While this study has not yet been published, the proposed development is not expected to adversely affect any future plans for the site. According to the Commission’s Executive Director, Randy Richardson, “there will likely be discussion about the utilization of the terminal site, but it is still likely to be heavy industrial applications. The President’s Island facility is one of the few heavy industrial sites with access to river transportation. The current site has previously been utilized for scrap operations and there are two other scrap operations in the industrial complex on President’s Island” (please see Exhibit A).

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

SITE PLAN CONDITIONS:

1. The maximum height permitted for stacked scrap metal material shall be 12 feet.
2. All scrap metal storage and processing equipment shall be screened from public view.

GENERAL INFORMATION

Zoning Atlas Page: 2125
Parcel ID: 050107 00004
Existing Zoning: Heavy Industrial (IH)

DEPARTMENTAL COMMENTS

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

City/County Engineer:

CITY ENGINEERING COMMENTS
CASE: SUP 18-17

DATE: 8/16/2018
NAME: Scrap Steel Storage
City Engineering has no comment on this case.

City/County Fire Division:

No comments received.

City Real Estate:

No comments received.

City/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.

Land and Mapping-Address Assignment:

No comments received.

Neighborhood Associations:

No comments received.

APPLICATION



Memphis and Shelby County
Office of Planning and Development
CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

**APPLICATION FOR SPECIAL USE PERMIT
APPROVAL/AMENDMENT**

Date: 07/06/2018

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Memphis and Shelby County Port Commission Phone #: (901) 948-4422

Mailing Address: 1115 Riverside Boulevard City/State: Memphis/TN Zip 38106

Property Owner E-Mail Address: Randy@PortofMemphis.com

Applicant: Walco Companies Phone # (901) 805-9080

Mailing Address: 1701 Dock St City/State: Memphis/TN Zip 38113

Applicant E- Mail Address: jbitner@watcocompanies.com; christopher.steed@watcocompanies.com

Representative: Joseph Bitner Phone #: (620) 687-7430

Mailing Address: 1701 Dock St City/State: Memphis/TN Zip 38113

Representative E-Mail Address: jbitner@watcocompanies.com

Engineer/Surveyor: Pickering Phone # (901) 729-5530

Mailing Address: 1750 Madison Ave. Suite 500 City/State: Memphis/TN Zip 38104

Engineer/Surveyor E-Mail Address: bwoods@pickeringfirm.com

Street Address Location: 1750 Madison Ave. Suite 500

Distance to nearest intersecting street: 0.1 Miles

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	3.91		
Existing Zoning:	IH		
Existing Use of Property	Industrial		
Requested Use of Property	Scrap Permit		

Amendment(s): Any revision to an approved Special Use Permit that does not meet the provisions for Major or Minor Modifications shall be proposed as an amendment. Time extensions (see Subsection 9.6.14B of the UDC) to and requests to exceed 24-month limitation on discontinuance (see Subsection 9.6.14C) of approved special use permits shall be processed as major modifications, subject to the provisions of Chapter 9.16.
Yes No

Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: _____ Bedrooms: _____

Expected Appraised Value per Unit: _____ or Total Project: _____

9.6.9 Special Use Permit Approval Criteria

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

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- 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 (UDC sub-section 9.6.9A).

This project will not have negative effects on parking, traffic, utility facilities or any other matters affecting public health, safety and general welfare.

- 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 (UDC sub-section 9.6.9B).

This project will have no impact on neighboring properties. This will be for bringing in and laying down scrap materials and reloading outbound. No processing.

- 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 (UDC sub-section 9.6.9C).

This project will be served by public facilities and we will provide adequately.

- 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 (UDC sub-section 9.6.9D).

There will be no destruction, loss or damage of any feature whatsoever.

- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).

This project will comply with all standards imposed and by any particular provisions authorizing use.

- The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of the adjacent properties (UDC sub-section 9.6.9F).

This is accurate. This request will not affect any plans to be considered or violate character of existing standards for development of adjacent properties.

LETTER OF INTENT



July 6, 2018

Chip Saliba
Memphis and Shelby County Office of Planning and Development
City Hall
125 N. Main Street, Suite 468
Memphis, TN 38103

RE: Letter of Intent

Dear Chip,

This Letter of Intent ("*LOI*"), will evidence our intention, as set forth in this *LOI*, with respect to the application for a Special Use Permit (the "*Land Use Permit*") involving the operation of facilities at Memphis and Shelby County Port Commission's Port of Memphis (the "*Facility*") to handle and store scrap steel (the "*Commodity*") at the Facility.

The matters set forth in this *LOI* constitute an expression of the intention of Watco Companies (individually a "*Party*," and collectively the "*Parties*").

- a) Watco intends to utilize the special land permit for storing and transloading scrap steel at the Port of Memphis facility. There will be no manufacturing or processing of the commodity; this will be for transportation and storage purposes as a new service offering.
- b) Pickering Firm
William H. Woods
Survey Manager
(901) 729-5530
bwoods@pickeringfirm.com
1750 Madison Ave. Suite 500
Memphis, TN 38104-6428
- c) This proposed development is designed as an unload and reload operation with a laydown storage site. Watco will utilize heavy equipment to offload, sort, stack, and reload, scrap steel. There is no expectation of impact to neighboring properties. This will benefit the Port of Memphis by offering new services to regional steel producers and generate new employment opportunities at the Port of Memphis.
- d) Watco's objective is providing transportation solutions that benefit regional steel producers by offering service packages for offloading, sorting, stacking and reloading scrap steel.
- e) This application is not for CMCS (cell) towers, therefore this *LOI* does not apply to this section

Notices. Any notice, request, or other communication provided for or permitted under this LOI must be in writing and shall be effective upon actual receipt by the intended recipient or upon delivery to the address or facsimile number for the recipient listed below or such other address as that recipient may specify by notice to the other Party:

If to Watco, at: Watco Transloading, L.L.C
315 W. 3rd St
Pittsburg, KS 66762
Attn: Marc Massoglia

If to Memphis and Shelby County, at:
Office of Land Use Controls
125 N. Main Street City Hall Suite 476
Memphis, TN 38103
Attn: Chip Saliba

Sincerely,

Watco Companies

PUBLIC COMMENTS

Comments received from the public are included at the end of this report.