Item # _____ Prepared by: Calvin Abram

Approved by: Danny Presley

A RESOLUTION OF THE COUNTY OF SHELBY, TENNESSEE, GRANTING A SPECIAL USE PERMIT FOR LAND LOCATED ON THE SOUTH SIDE OF GODWIN RD. 113' EAST OF DEADFALL RD, KNOWN AS CASE NO. SUP16-06CO.

WHEREAS, Application has been made for a Special Use Permit, Standard Construction Company, Inc. Godwin Rd expansion, to allow mineral extractions; and

WHEREAS, Section 4.10 of the Unified Development Code of the City of Memphis and Shelby County, Joint Ordinance No. 397 dated August 9, 2010, authorized the Shelby County Board of Commissioners to grant a Planned Development for certain stated purposes subject to standards of general applicability and any additional standards applicable to specific planned developments in the various zoning districts outside of five miles of the Memphis City limits; and

WHEREAS, The Office of Planning and Development has received and reviewed the application in accordance with the procedures, objectives, and standards for special use permits as set forth in Section 9.6 of the Joint Memphis and Shelby County Unified Development Code, and has considered the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and whether the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the 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 Thursday, June 9th, 2016 and said

Board reported its recommendation of ***approval with conditions*** to the County Commission regarding the objectives, standards, and criteria, and the effect of granting this planned development amendment upon the character of the neighborhood and other matters pertaining to the public safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE:

Section 1. That pursuant to Section 9.6 of the Memphis and Shelby County Unified Development Code, a Special Use Permit is approved for property located on the South side of Godwin Rd, 113' east of Deadfall Rd. subject to the attached conditions.

Section 2. **BE IT FURTHER RESOLVED,** That the requirements of said aforementioned section 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 of development in accordance with said Outline Plan and the provisions of Section 9.6 of the Unified Development Code.

Section 3. **BE IT FURTHER RESOLVED,** That this Resolution take effect from and after the date it shall have been enacted according to due process of law, and thereafter shall be treated as in full force and effect in the jurisdiction subject to the above mentioned Unified Development Code by virtue of the passage thereof by the Board of Commissioners of Shelby County, Tennessee.

_____

MARK H. LUTTRELL, JR., County Mayor

Date:_____

ATTEST:

_____
Minutes Clerk of the County Commission

ADOPTED: _____

OUTLINE PLAN CONDITIONS
Standard Construction Company, Godwin Rd. mineral extraction
SUP16-06 CO

SUP 16-06CO
Site Plan Conditions

A Special Use Permit is hereby granted to Standard Construction Co., Inc. for the removal of sand or gravel by excavating or stripping under provisions of Memphis and Shelby County Unified Development Code, but not including the treating, crushing, or processing of the same subject to the following conditions:

1. Processing on-site shall be limited to the screening of aggregate to sort sand and gravel by size.

2. Access shall be limited to a proposed drive on the south side of Godwin Road at the intersection of Deadfall Road as illustrated on the site plan

3. Dedicate 34 feet from the centerline of Godwin Road.

4. Landscaping and screening

    a. A 100 foot natural vegetative buffer (plate N-2) shall be maintained along Godwin Road and Van Drive.

    b. A 75 foot natural vegetative buffer shall be provided along the northern and western perimeter of the Charles Moore property as indicated on the site plan and a 75 foot natural vegetative buffer along the southern perimeter of the Byrd's property, unless the applicant provides a signed and notarized letter from the property owners allowing the reduction to 30-feet. The vegetative buffers shall include a minimum of a 12-foot-wide and 10-foot high planted berm.

5. Mining operations shall be permitted Monday thru Saturday and shall be limited to a maximum of twelve (12) daylight hours with operations to cease no later than 7:00 p.m.; however, Saturday operations shall end no later than 3:00 p.m.

6. Truck traffic shall be regulated by the owner to prohibit travel north of the existing Standard Construction mining operation on Deadfall Road and eastward on Godwin Road.

7. The special permit shall be valid until December 31, 2020 and may be extended in increments of not more than 2 years by the Land Use Control Board.

8. The applicant shall secure all environmental permits as necessary for regulatory

compliance including permits related to air pollution controls.

9. The following additional uses may be permitted:

    a. Processing on-site shall be limited to the screening, sizing, mixing, storage, and stockpiling of sand, gravel, earth, clay and similar materials.
    b. The installation and operation of appurtenant plants or apparatus pertaining to screening, blending, washing, loading, and conveyor facilities.
    c. Office for the conduct of the uses permitted.
    d. Any other incidental uses or structures necessary for the conduct of business.

10. Any uses permitted by this Special Use Permit shall comply with all other applicable Federal, State and local laws and ordinances. The applicant shall secure all environmental permits as necessary for regulatory compliance including permits related to water and air: pollution-controls. A copy of said permits and/or licenses shall be forwarded to the Office of Planning and Development upon issuance.

11. Setback for equipment pertaining to sorting and other operating structures and facilities shall be equal to the excavation setback as shown on the site plan.

12. The owner of the operation shall maintain all ways and roads within the site in a dust-free condition in accordance with best management practices, provided that such practices produce no potential pollution hazards to the ground and surface waters of the area. All gravel pit access roads shall be not less than twenty-two feet wide.

13. Trucks shall be routed from the site to avoid the routing of vehicles to and from the mining operation over streets that primarily serve abutting residential development in accordance with the Truck Route Plan. Truck traffic shall be regulated by the operator, by site exit signage, to prohibit travel north on Deadfall Road past the existing Standard Construction mining operation.

14. Open bed trucks used for hauling sand or gravel shall be covered with a tarp before leaving the site in accordance with TCA 39-14-503.

15. The Operator shall clean Deadfall Road from the site entrance south to Godwin Road of any mud, sand or other debris that accumulates from the operation of trucks on the roadway on a weekly basis.

16. Traffic control devices (signs and pavement markings at the access road entrance) shall be installed and maintained by the operator. “Truck Entrance 1/4 mile” signage shall be posted east and west of the truck entrance on Godwin Road.

17. Prior to the commencement of mining operations, a fence shall be constructed to protect -the authorized permit area to be excavated. Said fence shall extend the length of the east line of the permit area. Fences shall be a minimum of six feet in height and constructed of woven wire fabric. Fencing may be removed at the time of reclamation.

18. Maximum depth of excavation shall not be below existing groundwater, except in such cases where the reclamation plan indicates that a lake or lakes will be part of the final use of the land or where such plan indicates that adequate fill from overburden is to be used to refill such excavation for conformance to the approved reclamation plan. No extraction operations shall be conducted in such a manner as to permanently lower the water table of surrounding inhabited properties.

19. Over-burden shall be retained on a suitable portion of the site and shall be used for back fill in accordance with the State approved Reclamation Plan.

20. Adequate supports shall be provided to prevent caving and backsliding into an excavated area.

21. No sand and gravel excavation shall be made within 100 feet of east leasehold/property line in accordance with the attached site plan. Gravel extraction may occur along the south 75 feet of the leasehold/property line provided that written permission is given from the adjacent property.

22. All excavations shall be filled and the land restored, regraded and resloped as nearly as practicable to its original condition and grade within 90 days after the date sand, gravel, or other extraction operations cease provided, however, that any excavation made closer than 250 feet to a lot line of the property which is the site of the sand, gravel, or other extraction operations shall be filled, and the - land restored, regraded, and resloped within nine months from the date the excavation within 250 feet of such lot line is completed unless the owner of property abutting or adjoining such lot line agrees, in writing, to an extension of time within which such reclamation activities shall be completed. Such written agreement shall be notarized and ·shall be submitted with the application for a special permit or to· the Building Official at any time prior to the expiration of the nine-month period within which excavations within -250 feet of the lot line of property which is the site of the sand, gravel, or other extraction operations must be filled, restored, regraded, and resloped. Such agreement shall set forth the date when such reclamation activities shall be completed, which date shall, in no event, be later than 90 days after the date sand, gravel, or other extraction operations on the property cease. Failure to complete reclamation activities by the date set forth in such agreement shall be deemed a violation of this Permit. If at any time such agreement is modified, rescinded, or becomes null and void, the owner of the property which is the site of the sand, gravel or other extraction

operation shall within 10 days thereafter notify the Building Official thereof in writing stating whether such agreement is revoked, null and void or modified, and if modified, the provision of such agreement which has been modified along with a copy of the modified agreement. If the agreement is revoked or becomes null and void, excavations within 250 feet of the property line of the property shall cease immediately, and the area which was the subject of such agreement shall be filled, restored, regarded, or resloped within 90 days after the date of such revocation or within 90 days after the date such agreement became null and void. If the date upon which reclamation activities shall be completed is revised in a modified agreement, reclamation actives shall be completed by such date.

23. Land shall be restored, regraded, and resloped as nearly as practicable to its original condition and grade provided, however, that after such reclamation activities, no slope on such land shall be steeper than 3 feet horizontal to one foot vertical and no greater quantities of drainage water shall flow onto adjoining properties or shall flow at a faster rate onto adjoining properties than such drainage water flowed prior to the commencement of sand, gravel or other extraction processing activities on the land reclaimed.

24. Prior to the commencement of sand, gravel f or other extraction operations, the applicant for the special permit shall submit to the Building Official a performance bond in the~ amount of $3,500 per each acre proposed to be used for sand, gravel, or other extraction operations to insure that the land shall be restored, regraded, and resloped as provided above when such mining or extraction operations cease. Such performance bond shall be released after reclamation activities are complete and the condition, grade, and drainage of the land are approved in writing by the Building Official and County Engineer provided, however, that a proportionate release of such bond may be authorized by the Building Official and or County Engineer for phased or partial reclamation.

25. Equipment used in sand, gravel, or other extraction or processing operations 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 of the mining extraction, or processing operations.

26. A copy of the State Mining Permit application shall be submitted for review by the Office of -Planning and Development upon submittal to the State Bureau of Mines. Said application shall discuss the environmental impact of the proposed sand, gravel, or extractive operation and processing in addition to other requirements of said permit application. A copy of the State approved Reclamation Plan shall be filed with OPD in lieu· of preparing a locally reviewed mitigation and reclamation plan.

27. Extracting and processing operations shall be screened in such a manner that they are not readily visible from a public street and adjacent residentially used or zoned property. An opaque screen of landscaping and berms shall be installed

and maintained as necessary in order to minimize visibility of truck parking, processing equipment and sand and gravel storage areas prior to commencement of operations. Berms shall be stabilized, sodded or seeded to prevent erosion.

28. Reclaimed areas shall be appropriately reseeded with native grass and perennial plants to create or establish natural habitat.

29. Sand and gravel stockpiles and processing equipment shall not exceed 35 feet in height.

30. Stockpiles shall be sprinklered to keep sand in "moist condition if in excess of 10 feet in height to avoid particulate matter blowing onto adjacent properties. Internal roadways shall be consistently watered as necessary to avoid particulate matter blowing onto adjacent properties.

31. Storm water discharge and Aquatic Resource Alteration Permit· review shall be subject to the authority of the Tennessee Department of Environment and Conservation.

32. No greater quantities of drainage water shall flow onto adjoining properties or shall flow at a substantially faster rate onto adjoining properties than such drainage water flowed prior to the commencement of sand, gravel or other extraction or processing activities on the land reclaimed.

33. In addition to any TDEC regulations ("Surface mining, NPDES, etc.), the applicant may be required to install a minimum of four (4) monitoring wells, to be placed at or near property boundaries for ground water quality monitoring in the shallow aquifer prior to any site work being performed. This requirement may be waived upon ~ written determination of the Memphis / Shelby County Health Department that there are a sufficient number of monitoring wells in place on adjacent properties. The location and design of the monitoring wells shall be submitted to the Memphis and Shelby' County Health Department for approval prior to installation. Any well used by this operation shall meet all siting criteria and sampling requirements as stipulated by Shelby County regulations. An annual permit shall be obtained from the water Quality Branch of the pollution Control Section of the Memphis Shelby County Health Department for operation of any well.

34. Once site development and/or operation has commenced, the applicant shall collect samples from each well on a quarterly basis to verify that the mining operation has no impact on the quality of the ground water. Samples shall be collected by the applicant or his agent, split with the Tennessee Department of Environment and Conservation. One set of samples shall be analyzed by an Environmental Protection Agency certified private laboratory and the certified results submitted to the Memphis Shelby County Health Department and Shelby

County Ground Water Quality Control Board. Sampling costs from the private laboratory are to be borne by Standard Construction Co., Inc. The samples are to be tested for pH, turbidity, Nitrate-N, phenolics, and total coliforms. Costs incurred by testing for additional compounds or elements performed by the Tennessee Department of Environment and Conservation will be borne by the State.

35. If the ground water quality is impacted due to the applicant's operation, the applicant shall cease mining operation until the water quality has returned to ambient conditions or the applicant shall implement corrective actions to assure that the ground water leaving the site is of the same quality as the ground water entering the site. Under no conditions shall the applicant be allowed to continue operation if the ground water leaving the site has been degraded due to his operation.

36. If any water production wells are located at this site in an abandoned state they shall be properly sealed as outlined in Section 9 of the Shelby County Well Construction Code.

37. A deed restriction shall be imposed regarding future use of the land to prevent disturbance of the final cover and prohibit the location of businesses that could provide sources of chemical contamination.

38. The applicant shall maintain public liability insurance with coverage of at least $300,000 for personal injury to more than one person, $100,000 for personal injury of only one person, and $25,000 for damage to property. Insurance should be kept in effect at all times during mining operations.

39. For any temporary office trailer, a permit shall be contained for a state-approved modular structure. \Temporary office structures shall comply with the 1988 Standard Building Code by SBCCI and North Carolina State Building Code -Vol. l-C. (Handicap Code).

40. Sludge Disposal of dredged sediments (wet, settled solids) will occur o~ an as needed basis ·on site.

41. Storm runoff including that from haul roads shall be directed to a siltation basin sediment or process
    a. pond and discharged though one Discharge Monitoring Point.

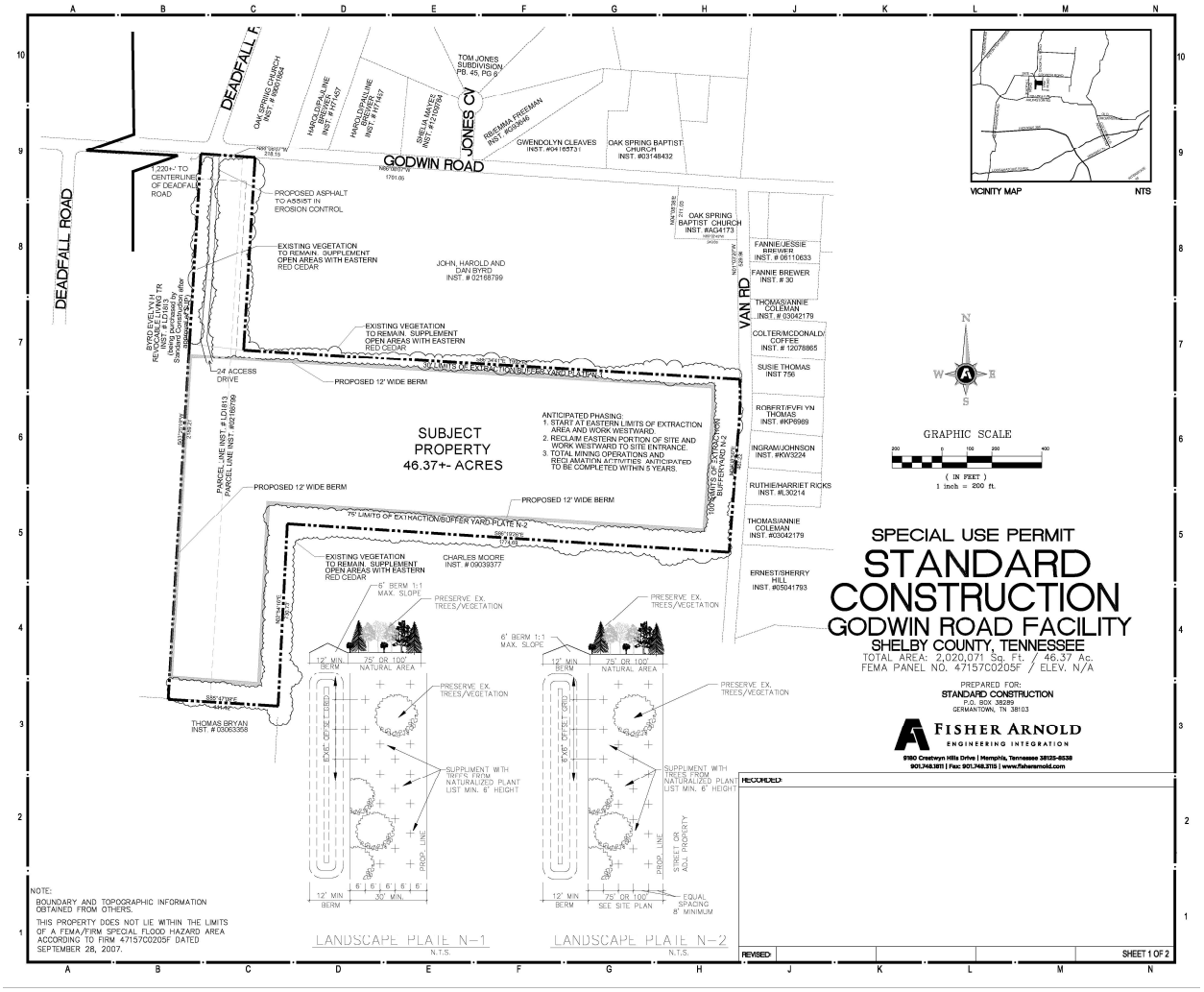
42. During each, successive phase of site development, all areas of cut or fill where vegetation has been removed shall controlled by best management practices such as hay bales and silt fences{ vegetative cover by seeding or sodding, rip-rap, etc. throughout the life of the facility and reclamation process. Maintenance of all BMF 1 s whether temporary or permanent, shall consist of inspection and repair (if necessary) after each 1/2" rain event “Within a 24 hour period.“

43. Before a construction permit is issued by Shelby County Code Enforcement to build a home or another structure on the lot the owner must secure a septic tank permit.

44. When submitting a complete application set for subsurface sewage disposal system the exact location of the field lines and septic tank must be drawn onto the high intensity soil map that is submitted for approval by the Shelby County Health Department.

45. The septic field bed areas for the remnant lots of the proposed expansion shall not conflict with any required buffers landscape areas or easements and shall be approved by the Shelby County Health Department prior to or at the time of building permit being filed.

46. The main Deadfall Road plan shall not be excavated concurrently with the Godwin Road plant at any time. Each plan shall document the days each plant is excavated and this documentation shall be readily available to applicable County and or State personnel.


DEADFALL RD.
DEADFALL ROAD
GODWIN ROAD
JONES CV
VAN RD
TOM JONES SUBDIVISION PB. 45, PG 6
OAK SPRING CHURCH INST. #6801664
HAROLD/DAN LINE DRIVE INST. #1171407
HAROLD/DAN LINE DRIVE INST. #1171407
SHELLA MAYES INST. #12109784
REEMA FREEMAN INST. #0806446
GWENDOLYN CLEAVES (INST. #04168573)
OAK SPRING BAPTIST CHURCH INST. #03148432
220+/- TO CENTERLINE OF DEADFALL ROAD
PROPOSED ASPHALT TO ASSIST IN EROSION CONTROL
EXISTING VEGETATION TO REMAIN. SUPPLEMENT OPEN AREAS WITH EASTERN RED CEDAR
JOHN, HAROLD AND DAN BYRD INST. # 02168799
OAK SPRING BAPTIST CHURCH INST. #AC4173
FANNIE/JESSIE BREWER INST. # 08110633
FANNIE BREWER INST. # 30
THOMAS/ANNIE COLEMAN INST. # 03042179
COLTER/MCDONALD/COFFEE INST. # 12078865
SUSIE THOMAS INST 756
ROBERT/EVELYN THOMAS INST. #KP8989
INGRAM/JOHNSON INST. #KW3224
RUTHIE/HARRIET RICKS INST. #L30214
THOMAS/ANNIE COLEMAN INST. #03042179
ERNEST/SHERRY HILL INST. #05041793
BYRD EVELYN H REVOCABLE LIVING TR INST. # 13101815 (being purchased by Standard Construction)
24' ACCESS DRIVE
PROPOSED 12' WIDE BERM
SUBJECT PROPERTY 46.37+- ACRES
ANTICIPATED PHASING:
1. START AT EASTERN LIMITS OF EXTRACTION AREA AND WORK WESTWARD.
2. RECLAIM EASTERN PORTION OF SITE AND WORK WESTWARD TO SITE ENTRANCE.
3. TOTAL MINING OPERATIONS AND RECLAMATION ACTIVITIES ANTICIPATED TO BE COMPLETED WITHIN 5 YEARS.
PARCEL LINE INST. # 13101815 PARCEL LINE INST. #06110709
75' LIMITS OF EXTRACTION/BUFFER YARD PLATE N-2
CHARLES MOORE INST. # 09039377
THOMAS BRYAN INST. # 09063358
6' BERM 1:1 MAX. SLOPE
PRESERVE EX. TREES/VEGETATION
12' MIN. BERM
75' OR 100' NATURAL AREA
EDGE OF RET. GRID
SUPPLIMENT WITH TREES FROM NATURALIZED PLANT LIST MIN. 6' HEIGHT
PROP. LINE
30' MIN.
SEE SITE PLAN
STREET OR ADJ. PROPERTY
EQUAL SPACING 8' MINIMUM
LANDSCAPE PLATE N-1
N.T.S.
LANDSCAPE PLATE N-2
N.T.S.
VICINITY MAP
NTS
GRAPHIC SCALE
(IN FEET)
1 inch = 200 ft.
SPECIAL USE PERMIT
STANDARD CONSTRUCTION
GODWIN ROAD FACILITY
SHELBY COUNTY, TENNESSEE
TOTAL AREA: 2,020,071 Sq. Ft. / 46.37 Ac.
FEMA PANEL NO. 47157C0205F / ELEV. N/A
PREPARED FOR:
STANDARD CONSTRUCTION
P.O. BOX 38289
GERMANTOWN, TN 38183
FISHER ARNOLD
ENGINEERING INTEGRATION
9180 Crestwyn Hills Drive | Memphis, Tennessee 38125-8538
901.748.1811 | Fax: 901.748.1115 | www.fisherarnold.com
RECORDED:
REVISED:
SHEET 1 OF 2
NOTE:
BOUNDARY AND TOPOGRAPHIC INFORMATION OBTAINED FROM OTHERS.
THIS PROPERTY DOES NOT LIE WITHIN THE LIMITS OF A FEMA/FIRM SPECIAL FLOOD HAZARD AREA ACCORDING TO FIRM 47157C0205F DATED SEPTEMBER 28, 2007.