

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT # 5**

CASE NUMBER: SAC 08-602 **L.U.C.B. MEETING:** August 14, 2008

DEVELOPMENT NAME: 2nd Washington Avenue Alley Closure

LOCATION: Beginning on the south side of Washington Ave.;
approximately one hundred (130') feet east of
Cleveland Street

APPLICANT: WSG Memphis, LLC

REPRESENTATIVE: Brenda Solomito ~ Solomito Land Planning

REQUEST: Close & vacate right-of-way

AREA of ROW: 2,260 square feet

LENGTH x WIDTH OF R.O.W.: 187.5' x 11.34'

EXISTING LAND USE & ZONING: Unimproved right-of-way ~ Multiple Family Residential
(R-MH) District and Highway Commercial (C-H)
District

SURROUNDING LAND USE & ZONING:

North: *Vacant land area and commercial uses* ~ Highway Commercial (C-H) District

East: *A single family dwelling and vacant land area* ~ Multiple Family Residential (R-MH) District

South: *Multiple family residential units* ~ Multiple Family Residential (R-MH) District

West: *Commercial uses* ~ Highway Commercial (C-H) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Approval with Conditions

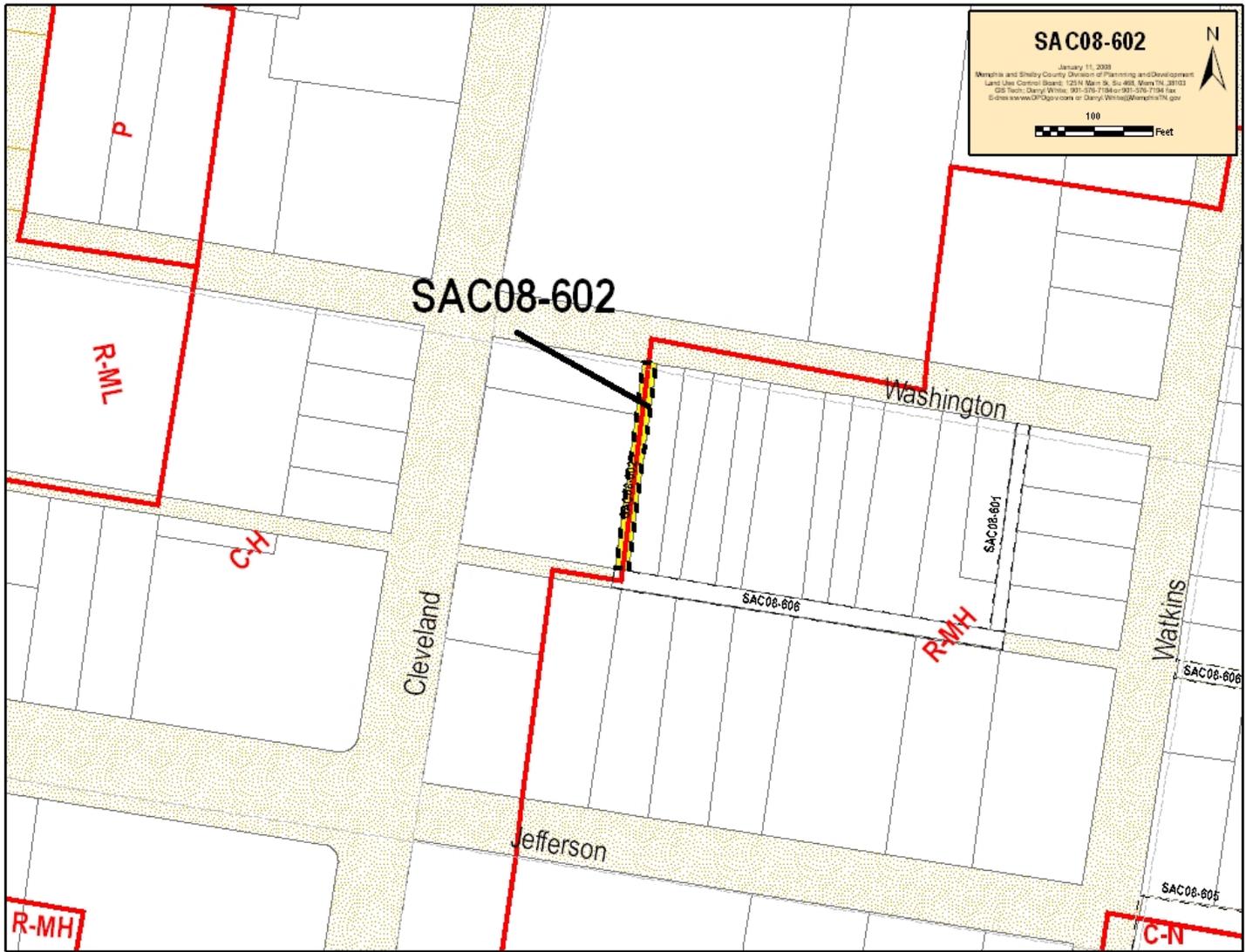
Staff Writer: Carlos B. McCloud ~ Principal Planner

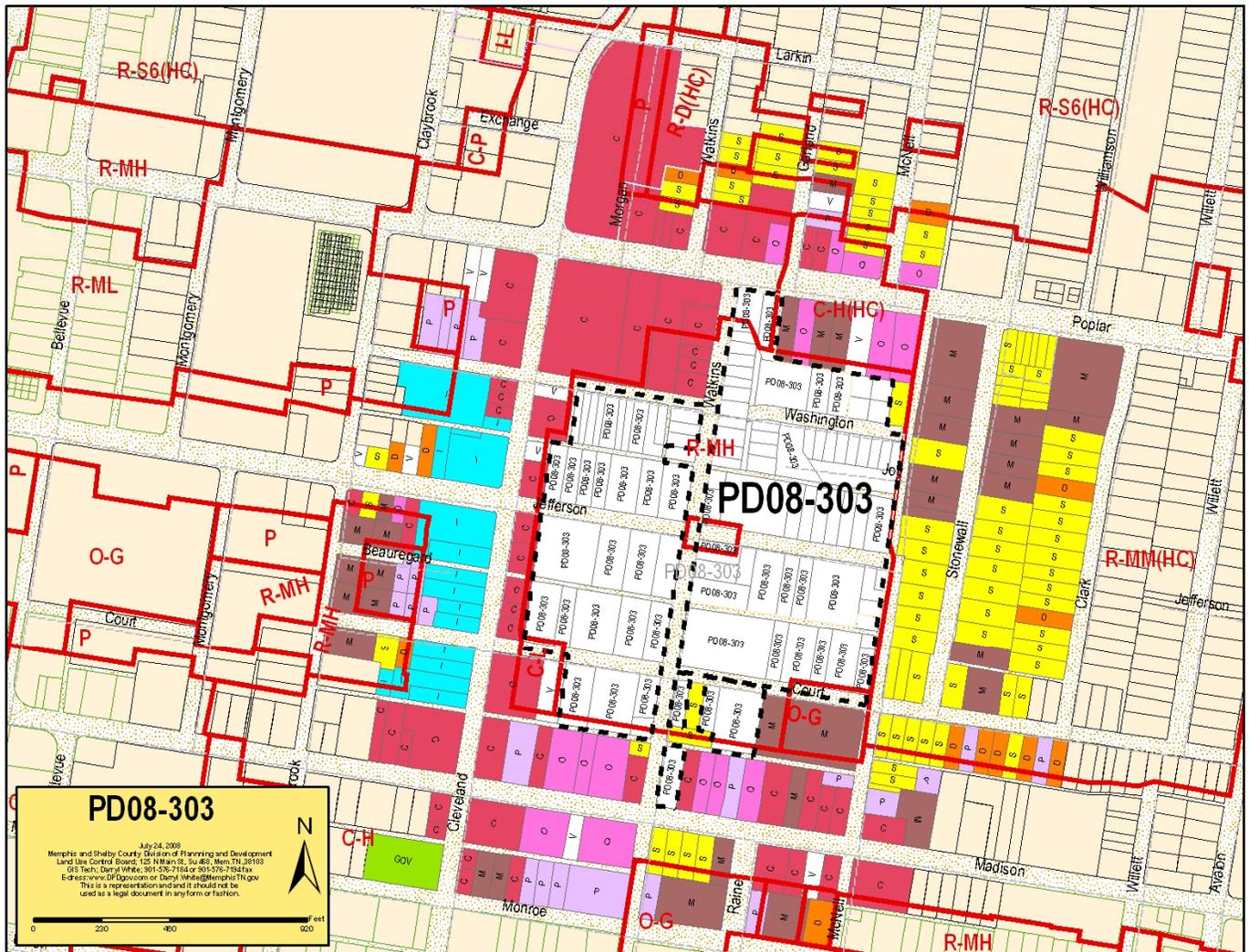
carlos.mccloud@memphistn.gov

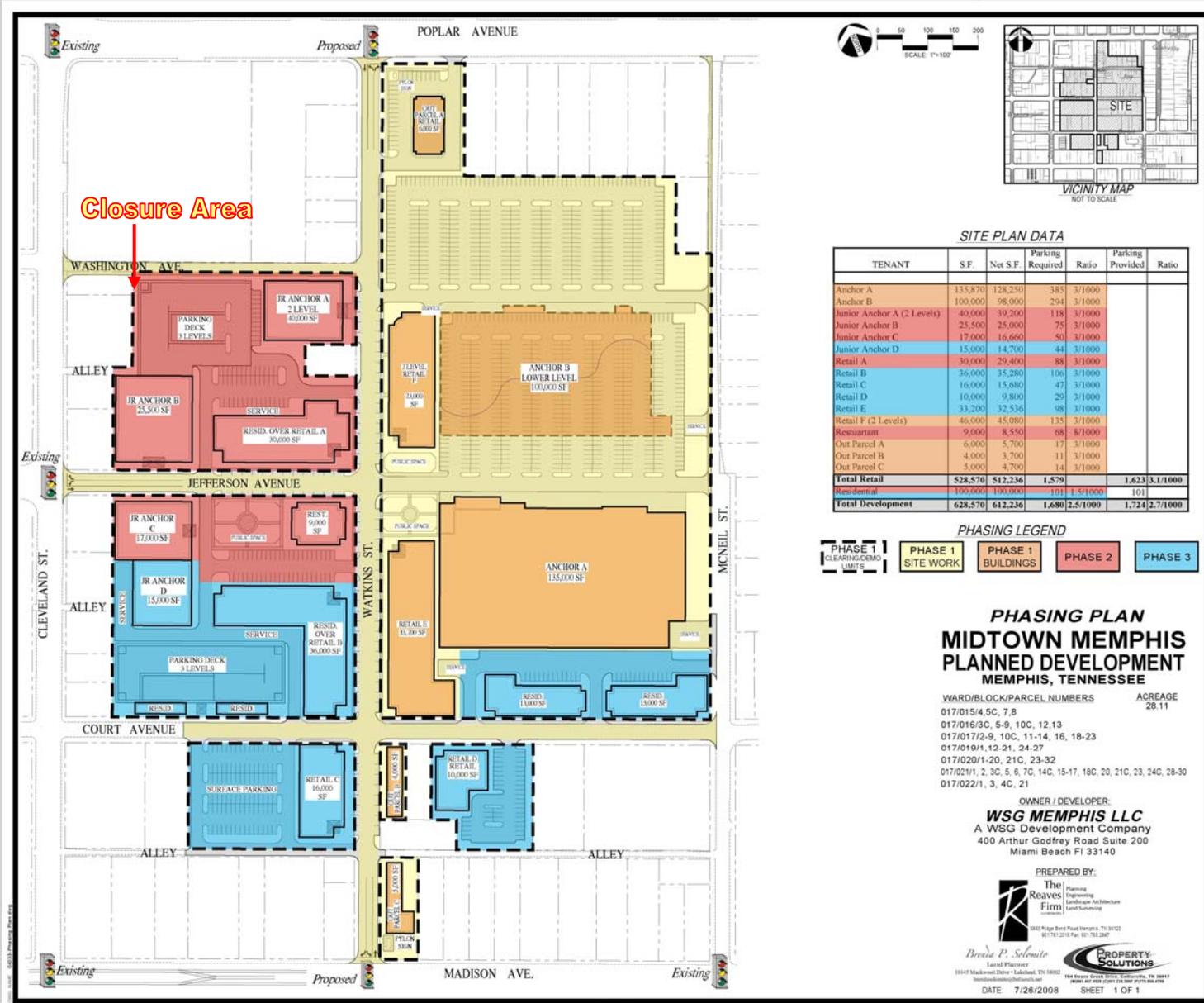
Conclusions:

1. This alley was created as a result of the 1888 Madison Heights Subdivision. It contains eleven (11.34') feet of right-of-way, beginning at the south right-of-way of Washington Avenue (20' R.O.W), and proceeds southwardly approximately one hundred and eighty seven (187.5') feet. This alley area contains two thousand two hundred and sixty (2,260) square feet of area, (*see page 10*).
2. The applicant is the owner of the majority of adjacent lots located to the east of closure. There are two (2) lots (Tina Nguyen property and Andy Pham property) located along the west side of the closure. These lots contain a motor vehicle service operation, (*see page 10 and 11*). There is no paved right-of-way and this area has not been utilized by vehicular traffic for some time. To date, this alley exists as a paper alley dedicated and platted for residential use in the late 1800's when this area contained single-family dwellings.
3. There is a companion Planned Development application to this alley closure request. The existing area consists of vacant land, multiple family dwellings, single-family dwellings, and commercial uses located along the arterial streets, (*see page 6*). The Planned Development proposes the redevelopment of approximately twenty (28) acres containing four to five (4 to 5) city blocks between Poplar Avenue to the north; Madison Avenue to the south; McNeil Street to the east and Cleveland Street to the west, (*see page 7*). The proposal is to redevelop this area with a big box retail user, various other retail and restaurant uses, as well as mixed-use commercial and residential uses (*see pages 8 and 9*).
4. *This alley only provides access to the adjacent properties to the west and east of the proposed closure area. However as shown on page 11, the Tina Nguyen property and Andy Pham property do not use this alley for rear yard access. The Tina Nguyen property has forty-five (45') feet of lot width along Cleveland Street and has approximately one hundred and twenty eight (128.6') feet of lot depth. If the request for closure is approve, the Tina Nguyen property shall receive approximately five (5.67) feet along the forty-five (45') foot rear property line, which would add two hundred and twenty five (225) square feet of additional lot area. The Andy Pham property has one hundred and forty one (141') feet of lot width along Cleveland Street and approximately one hundred and twenty eight (128.6') feet of lot depth.*

The Andy Pham property shall receive approximately five (5.67) feet along the one hundred and twenty-eight (128.6') foot rear property line and seven hundred and ninety nine (799) square feet of additional lot area. SAC 08-606(Washington Ave. Alley Closure), Joy Place Alley proposes to stop the requested closure area at the rear of the Andy Pham property. Therefore, the Andy Pham property will still have alley access from Cleveland Street.
5. Over time, streets and alleys within this area have been closed and consolidated with adjacent lots for redevelopment purposes for larger projects. This request is being made in an effort to consolidate properties for redevelopment. This alley closure will not negatively impact the adjacent properties because of the lack of utilization by the public. This request for a street closure is recommended for approval.







SITE PLAN DATA

TENANT	S.F.	Net S.F.	Parking Required	Ratio	Parking Provided	Ratio
Anchor A	135,870	128,250	385	3/1000		
Anchor B	100,000	98,000	294	3/1000		
Junior Anchor A (2 Levels)	40,000	39,200	118	3/1000		
Junior Anchor B	25,500	25,000	75	3/1000		
Junior Anchor C	17,000	16,660	50	3/1000		
Junior Anchor D	15,000	14,700	44	3/1000		
Retail A	30,000	29,400	88	3/1000		
Retail B	36,000	35,280	106	3/1000		
Retail C	16,000	15,680	47	3/1000		
Retail D	10,000	9,800	29	3/1000		
Retail E	33,200	32,536	98	3/1000		
Retail F (2 Levels)	46,000	45,080	135	3/1000		
Restaurant	9,000	8,550	68	8/1000		
Out Parcel A	6,000	5,700	17	3/1000		
Out Parcel B	4,000	3,700	11	3/1000		
Out Parcel C	5,000	4,700	14	3/1000		
Total Retail	528,570	512,236	1,579		1,623	3.1/1000
Residential	100,000	100,000	101	1.4/1000	101	
Total Development	628,570	612,236	1,680	2.5/1000	1,724	2.7/1000

PHASING LEGEND



**PHASING PLAN
MIDTOWN MEMPHIS
PLANNED DEVELOPMENT
MEMPHIS, TENNESSEE**

WARD/BLOCK/PARCEL NUMBERS ACREAGE
28.11
017/015/4, 5C, 7, 8
017/016/3C, 5-9, 10C, 12, 13
017/017/2-9, 10C, 11-14, 16, 18-23
017/019/1, 12-21, 24-27
017/020/1-20, 21C, 23-32
017/021/1, 2, 3C, 5, 6, 7C, 14C, 15-17, 18C, 20, 21C, 23, 24C, 28-30
017/022/1, 3, 4C, 21

OWNER / DEVELOPER:
WSG MEMPHIS LLC
A WSG Development Company
400 Arthur Godfrey Road Suite 200
Miami Beach FL 33140

PREPARED BY:
The Reaves Firm
Planning
Engineering
Landmark Architecture
Land Surveying
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184 Mackay Street, Memphis, TN 38107
901.525.4200 Fax: 901.525.4200
DATE: 7/26/2008 SHEET 1 OF 1



TENANT	S.F.	Net S.F.	Parking Required	Ratio	Parking Provided	Ratio
Anchor A	135,000	126,250	1407	3/1000		
Anchor B	100,000	98,000	294	3/1000		
Junior Anchor A (2 Levels)	40,000	39,200	116	3/1000		
Junior Anchor B	25,500	25,000	75	3/1000		
Junior Anchor C	17,000	16,640	50	3/1000		
Junior Anchor D	15,000	14,700	44	3/1000		
Retail A	30,000	29,400	88	3/1000		
Retail B	30,000	29,280	88	3/1000		
Retail C	16,000	15,680	47	3/1000		
Retail D	10,000	9,800	29	3/1000		
Retail E	33,200	32,536	98	3/1000		
Retail F (2 Levels)	40,000	40,000	120	3/1000		
Equipment	9,000	8,550	25	3/1000		
Out Parcel A	6,000	5,700	17	3/1000		
Out Parcel B	4,000	3,760	11	3/1000		
Out Parcel C	3,000	2,700	8	3/1000		
Total Retail	528,200	512,236	1,579		1,623	1.030
Residential	300,000	300,000	100	1.5/1000	100	1.000
Total Development	828,200	812,236	1,679		1,723	1.030

PREPARED BY:
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JULY 2, 2008
Conceptual Master Plan
MIDTOWN MEMPHIS
Planned Development
 MEMPHIS, TENNESSEE

DEVELOPED BY:
WSG MEMPHIS LLC
WSG
 DEVELOPMENT COMPANY
 400 Arthur Godfrey Road Suite 200 Miami, Florida 33157-3707



STAFF ANALYSIS

Site Area Description:

The subject property is located in the Midtown Planning District, beginning on the south side of Washington Avenue; approximately one hundred thirty (130') feet east of Cleveland Street. This area is zoned in both the Multiple Family Residential (R-MH) District and Highway Commercial (C-H) District. The adjacent properties to the east of this closure area are mostly vacant with the exception of one single-family dwelling, which is owned by the applicant (WSG Memphis, LLC). There are multiple family residential units located to the south of this closure area. The land use north of this closure area consists of a vacant land area and commercial parking (Walgreen's and McDonalds) and motor vehicle repair operation (Brewer Body Shop). This alley intersects with an east/west alley (**SAC 08-606**) that is also proposed for closure (*see page 5*).

There is a companion Planned Development application to this alley closure request. The existing area consist of vacant land, multiple family dwellings, single-family dwellings, and commercial uses located along the arterial streets, (*see page 6*). The Planned Development proposes the redevelopment of approximately twenty (28) acres containing four to five (4 to 5) city blocks between Poplar Avenue to the north; Madison Avenue to the south; McNeil Street to the east and Cleveland Street to the west, (*see page 7*). The proposal is to redevelop this area with a big box retail user, various other retail and restaurant uses, as well as mixed use commercial and residential uses (*see pages 8 and 9*).

Alley Characteristics:

This alley was created as a result of the 1888 Madison Heights Subdivision. It contains eleven (11.34') feet of right-of-way, beginning at the south right-of-way of Washington Avenue (20' R.O.W), and proceeds southwardly approximately one hundred and eighty seven (187.5') feet. This alley area contains two thousand two hundred and sixty (2,260) square feet of area, (*see page 10*).

Conclusion:

The applicant is the owner of the majority of adjacent lots located to the east of closure. There are two (2) lots (Tina Nguyen property and Andy Pham property) located along the west side of the closure. These lots contain a motor vehicle service operation, (*see page 10 and 11*). There is no paved right-of-way and this area has not been utilized by vehicular traffic for some time. To date, this alley exists as a paper alley dedicated and platted for residential use in the late eighteen (1800's) hundreds when this area contained single-family dwellings.

This alley only provides access to the adjacent properties to the west and east of the proposed closure area, However, as shown on page 11, the Tina Nguyen property and Andy Pham property do not use this alley for rear yard access.

The Tina Nguyen property has forty-five (45') feet of lot width along Cleveland Street and has approximately one hundred and twenty eight (128.6') feet of lot depth. If the request for closure is approved the Tina Nguyen property shall receive approximately five (5.67) feet along the forty-five (45') foot rear property line, which would add two hundred and twenty five (225) square feet of additional lot area.

The Andy Pham property has one hundred and forty one (141') feet of lot width along Cleveland Street and approximately one hundred and twenty eight (128.6') feet of lot depth. The Andy Pham property shall receive approximately five (5.67) feet along the one hundred and twenty eight (128.6') foot rear property line and seven hundred and ninety nine (799) square feet of additional lot area. SAC 08-606 (Washington Ave. Alley Closure), Joy Place Alley proposes to stop the requested closure area at the rear of the Andy Pham property. Therefore, the Andy Pham property will still have alley access from Cleveland Street.

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The applicant shall provide for the construction of curb, gutter, and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.

L.U.C.B. Conditions

1. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
2. The applicant shall comply with all conditions of the closure within 365 days of the conditional approval of the closure by the City Council.
3. Provide easements for existing sanitary sewers , drainage facilities and other utilities or relocate at developers expense.

GENERAL INFORMATION

Planning District:	Midtown
Census Tract:	25
Municipal Annexation Reserve Area:	Memphis City Limits
Zoning Atlas Page:	2030
Roadway Frontages:	11' ~ Washington Avenue

DEPARTMENTAL COMMENTS

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

City Engineer:

Street Closures:

1. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
3. The applicant shall comply with all conditions of the closure within 365 days of the conditional approval of the closure by the City Council.

City Fire Division: Total 18' wide ?? or same as SAC 08-601?

City Real Estate: No comments

City/County Health Department: No comments from Water Quality Branch.

City Board of Education: No comments

Construction Code Enforcement: No comments

Memphis Light, Gas and Water:

MLGW has reviewed the referenced application, and has no objection, subject to the following comments:

Because of the magnitude of existing facilities and the cost to remove/relocate, it would be beneficial for the owner/applicant to meet with MLGW to discuss their plans, and develop a solution to mitigate the utility conflicts.

MLGW has **SIGNIFICANT** overhead and underground facilities within the public rights-of-way as outlined in the referenced applications.

It is the responsibility of the owner/applicant to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development. There are some facilities which could:

- remain in place, subject to specific limitations and easement rights.
- be abandoned in place.
- be removed.
- be removed and relocated in order to maintain the utility distribution network.
- There is a 115,000-volt underground electric cable in Jefferson Avenue which could cost well in excess of \$1,000,000 to relocate.

Additionally:

- MLGW has existing facilities within the present public road right of way. The City of Memphis shall retain an easement across the proposed street closure, from edge to edge of the road right of way, to accommodate any existing public utilities, including electric, gas, water, CATV, telephone, sewer, drainage, etc
- If it is necessary for MLGW facilities to be installed, removed or relocated, any work performed by MLGW will be done at the expense of the owner/applicant.
- MLGW reserves the right to retain a utility right-of-way within that portion of the existing public road right of way at all times for existing utilities, or the owner/applicant may choose to relocate existing utilities at the expense of the owner/applicant.
- **Street Trees are prohibited**, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- MLGW must be able to access any overhead or underground facilities. Consequently, no permanent structure(s) shall be constructed or erected within that portion of the existing public road right of way including fences, buildings, patios, vehicle parking or paving.
- If there are existing fire hydrants within the proposed closure of the public right-of-way, these hydrants will become private facilities, and the owner/applicant will be billed a monthly fee by MLGW.
- If there are existing street lights within the proposed closure of the public right-of-way, MLGW will remove all street lights, and abandon underground electric feeds or remove overhead electric feeds – at the expense of the owner/applicant.
- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- Any proposed structures must comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances from existing overhead electric facilities.
- **Landscaping is prohibited** within any MLGW utility easement. No trees, shrubs or permanent structures will be allowed within any MLGW utility easements.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc

- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s).
- **Fire Protection Water Services: It is the responsibility of the owner/applicant** to contact MLGW - **Water Engineering** @ 528-4720 to obtain fire protection/water flow information. If water main extensions and/or an increase in existing main sizes are needed to meet the minimum fire flow rate to serve the proposed development, the owner/applicant will be responsible for the cost of these improvements.
 - Please refer to Section 12.1.1 and Appendix A of the **MLGW Water Service Policy Manual**, which is available online at the following MLGW website: http://www.mlgw.com/images/water_manual.pdf
- **It is the responsibility of the owner/applicant** to contact the appropriate MLGW engineering area to determine if system improvements may be required and any related cost:
 - MLGW Engineering - **Residential Development**: 528-4858
 - MLGW Engineering - **Commercial Development**: 367-3343
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

Bell South: No comments

Memphis Area Transit Authority (MATA): No comments

OPD-Regional Services:

This application was reviewed by the MPO staff/Department of Regional Services on January 17, 2007. The MPO staff has determined that the proposed actions as submitted in this application will have no affect on the MPO Long Range Transportation Plan, Transportation Improvement Program, or any other plan, document, program or initiative of this department/organization.

OPD-Plans Development: No comments.

SW-Carlos B. McCloud