

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT # 6**

CASE NUMBER: SAC 08-603 **L.U.C.B. MEETING:** February 14, 2008

DEVELOPMENT NAME: Jefferson Avenue Alley Closure

LOCATION:

Segment 1: Beginning ninety (90') feet east of Cleveland Street two hundred and eight (208.23) feet north of Court Avenue) extending westerly four hundred and seventy six (476.50) feet to the east side of Watkins Street and.

Segment 2: Beginning two hundred and eight (208) feet north of Court Avenue on the east side of Watkins Street and extending westerly six hundred and forty six (646) feet to McNeil Street.

APPLICANT: WSG Memphis, LLC

REPRESENTATIVE: Brenda Solomito ~ Solomito Land Planning

REQUEST: Close & vacate right-of-way

AREA of ROW: 7,062 square feet

LENGTH x WIDTH OF R.O.W.: 646'/476.5' x 14.82'

EXISTING LAND USE & ZONING: Alley right-of-way ~ Multiple Family Residential (R-MH) District

SURROUNDING LAND USE & ZONING:

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

East: *Single family dwellings and multiple family dwellings* ~ Multiple Family Residential (R-MM) District

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

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

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Approval with Conditions

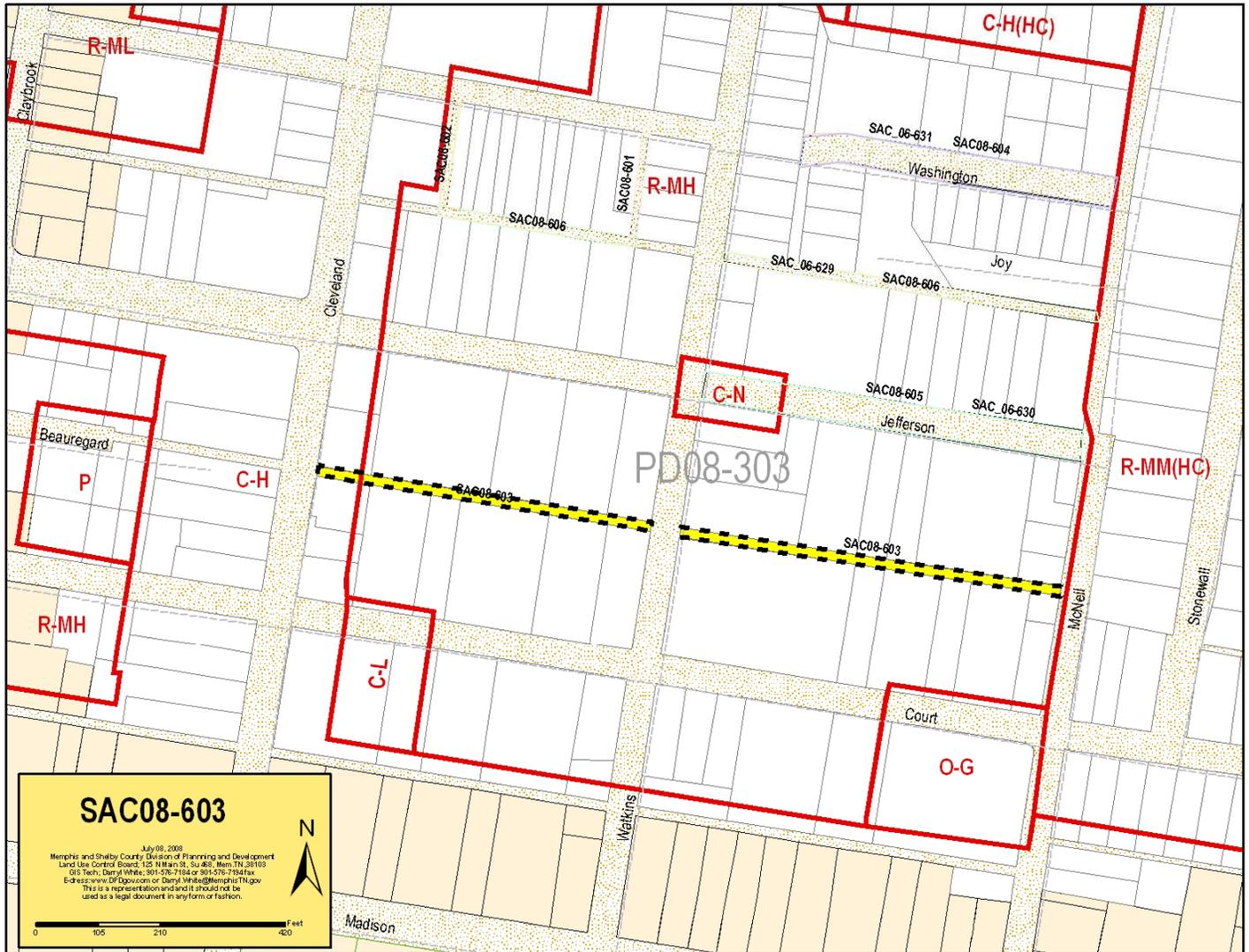
Staff Writer: Carlos B. McCloud~ Principal Planner

carlos.mccloud@memphistn.gov

Conclusions:

- 1.** This alley was created as a result of the 1888 Madison Heights Subdivision. The right-of-way width varies. **Segment 1** has fourteen (14.8) feet of right-of-way width and proceeds eastwardly approximately four hundred and seventy six (476.50') feet to Watkins Street (50' R.O.W). This segment contains seven thousand and sixty two (7,062) square feet of area.

Segment 2 has fifteen (15.66') of right-of-way width and proceeds eastwardly approximately six hundred and forty six (646.50') feet to McNeil Street (R.O.W varies) terminating with thirteen (13.51') feet of right-of-way width. This segment contains nine thousand four hundred and thirty four (9, 434) square feet of area. The entire closure area contains one thousand one hundred and twenty three (1,123') feet. (*see page 10*).
- 2.** The applicant is the owner of the majority of adjacent lots located to the north of closure areas of **Segment 1** and **2**. However, there are four (4) lots (Tonga Nguyen property, NAA3, LLC property, NAA1, LLC property and Terry Roberts property) located to the south of **Segment 1** and one (1) lot (Court Manor, Inc. property) south of **Segment 2** that are not owned by the applicant. These property owners have not signed the application as required by the Subdivision Regulations. Prior to approval by the Memphis City Council, these property owners will be required to sign the application. These lots contain multiple family residential units, (*see page 10 and 11*). This right of-way is paved and is utilized by vehicular traffic. To date,ing staff has not received any telephone calls, emails or letters from the adjacent property owners express objection to the closure of this alley.
- 3.** 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.





Sworn to and declared before me this 5th day of November 2008 at Memphis Tennessee by me the undersigned Notary Public in and for said State and County and the said commission expires on the 5th day of November 2011. I, the undersigned, do hereby certify that the within name, description and who are personally associated and who are acknowledged to be in fact the owners of the within instrument for the purposes therein contained. Witness my hand and notarial seal of Memphis Tennessee this 5th day of Nov 2008.

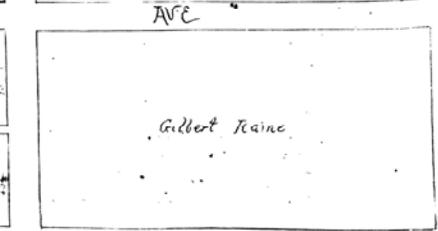
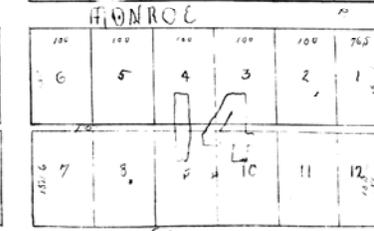
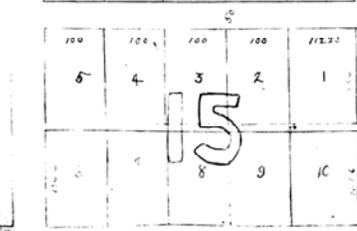
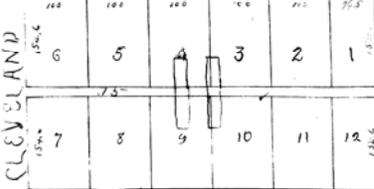
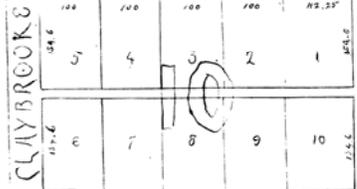
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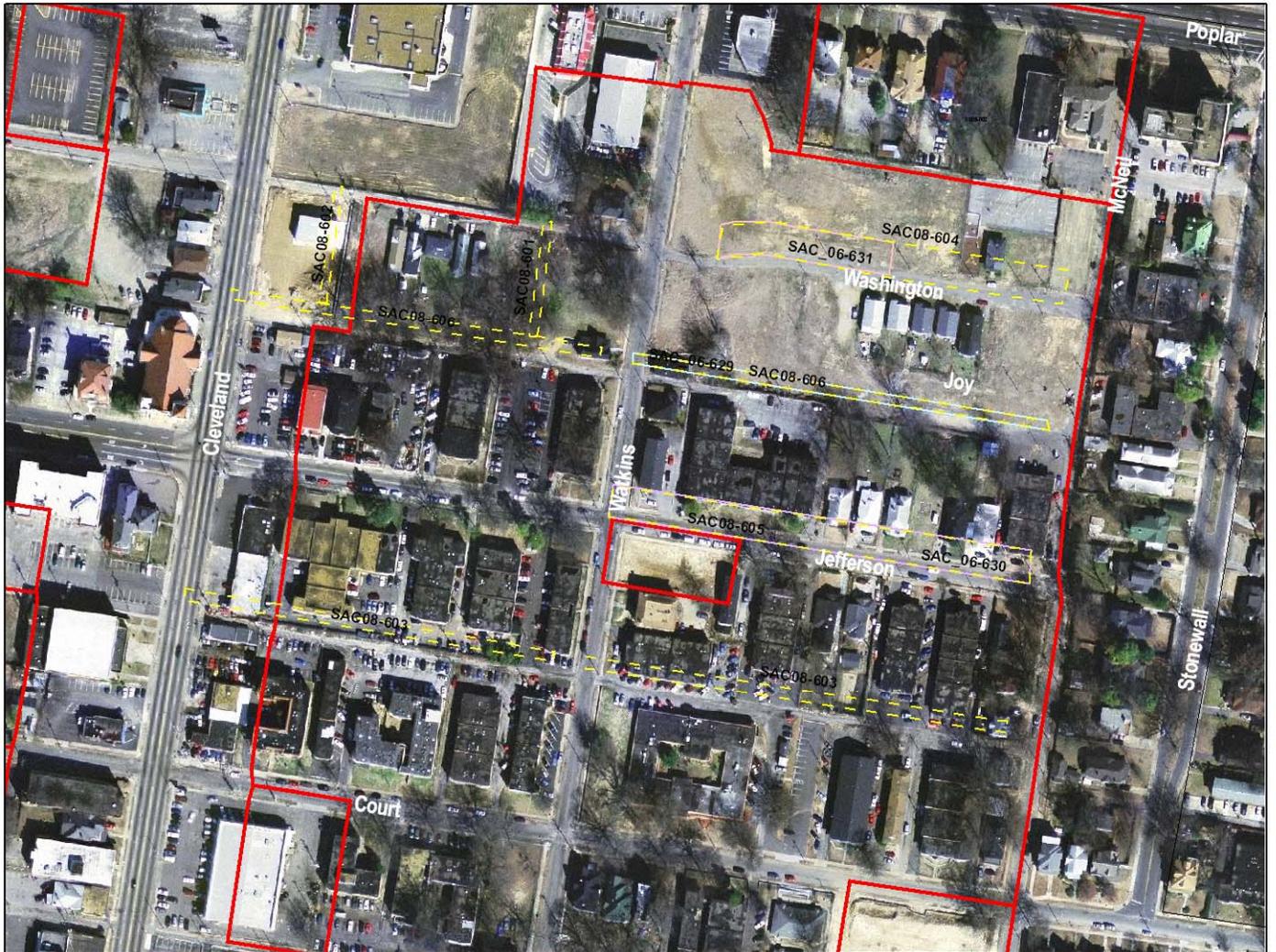
Closure Area

Gilbert Raine

Gilbert Raine

CLAYBROOKS AVE

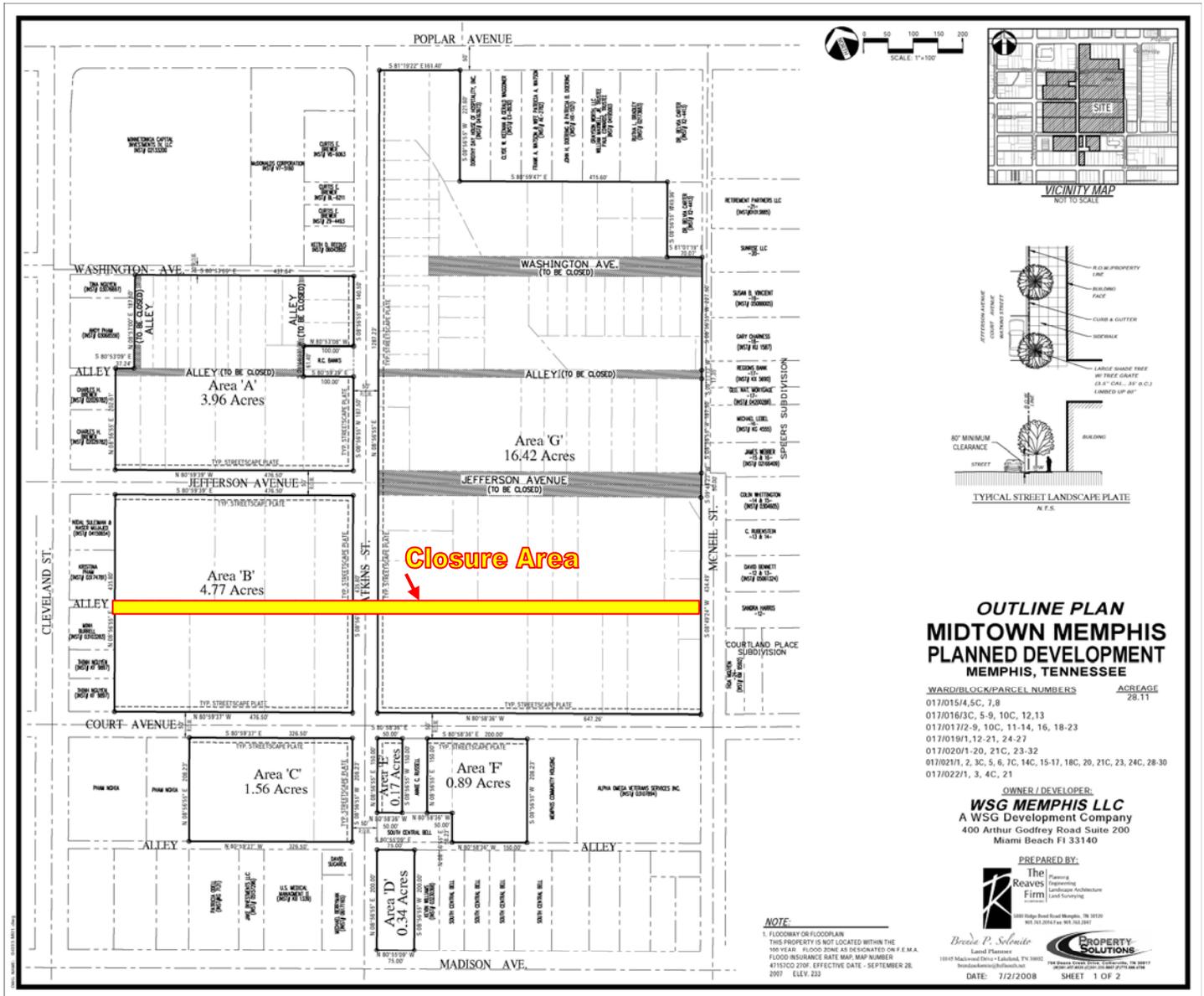




August 06, 2008
Memphis and Shelby County's Division of Planning and Development
Land Use Control Board, 125 N Main St, Su 468, Mem, TN, 38103
GIS Tech, Darryl White, 901-578-7184 or 901-578-7194 fax
E d r e s s : w w w . D P D . g o v o o . m o r D a r r y l . W h i t e @ M e m p h i s T N . g o v
This is a representation and should not be used
as a legal document in any form or fashion.

SAC08-601 thru 606





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

WARD/BLOCK/PARCEL NUMBERS **ACREAGE**
0170154,5C, 7, 8 **28.11**
0170163C, 5-9, 10C, 12, 13
0170172-9, 10C, 11-14, 16, 18-23
0170191, 12-21, 24-27
0170201-20, 21C, 23-32
0170211, 2, 3C, 5, 6, 7C, 14C, 15-17, 18C, 20, 21C, 23, 24C, 28-30
0170221, 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
Landscape Architecture
Land Surveying
1000 Edge Road Memphis, TN 38103
901.251.1144 FAX 901.251.2347

Brenda P. Sefraide
Land Planner
10040 Macdonald Drive • Lakeland, TN 38002
Brenda@reavesfirm.com

PROPERTY SOLUTIONS
1744 Dallas Street, Suite 200, Memphis, TN 38103
901.251.1144 FAX 901.251.2347

NOTE:
1. FLOODWAY OR FLOODPLAIN
THIS PROPERTY IS NOT LOCATED WITHIN THE
100 YEAR FLOOD ZONE AS DESIGNATED ON F.E.M.A.
FLOOD INSURANCE RATE MAP, MAP NUMBER
47152001Z, EFFECTIVE DATE, SEPTEMBER 28,
2007 ELEV. 223



TENANT	S.F.	Net S.F.	Required	Ratio	Existing	Ratio
Anchor A	135,000	128,250	140	3.000		
Anchor B	100,000	98,000	294	3.000		
Anchor A & B (2 Levels)	40,000	39,200	134	3.000		
Anchor B	25,500	25,000	75	3.000		
Anchor C	17,000	16,650	60	3.000		
Anchor D	15,000	14,700	44	3.000		
Retail A	33,200	32,400	88	3.000		
Retail B	23,000	22,200	100	3.000		
Retail C	16,000	15,600	47	3.000		
Retail D	10,000	9,800	29	3.000		
Retail E	10,000	9,800	29	3.000		
Retail F (2 Levels)	40,000	40,000	135	3.000		
Out Parcel	6,000	6,000	44	3.000		
Out Parcel A	6,000	5,700	17	3.000		
Out Parcel B	4,000	3,700	11	3.000		
Out Parcel C	5,000	4,700	14	3.000		
Total Retail	508,200	502,200	1,576	3.000	1,620	3.000
Anchor A	135,000	130,000	103	3.000	103	3.000
Total Development	643,200	632,200	1,679	3.000	1,723	3.000

PREPARED BY:
The Reaves Firm
 Planning
 Engineering
 Landscape Architecture
 Land Surveying
 1460 Ridge Road Memphis, TN 38103
 901.781.2018 Fax: 901.782.2847
 Brenda P. Solomon
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 10145 Mackwood Drive • Lakeland, TN 38002
 bsolomon@reavesfirm.com
PROPERTY SOLUTIONS
 184 Deane Creek Drive, Collierville, TN 38017
 (901) 987-0128 (901) 987-230-1887

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 305 673 3707



STAFF ANALYSIS

Site Area Description:

The subject property is located in the Midtown Planning District. **Segment 1** begins approximately ninety (90') feet east of Cleveland Street two hundred and eight (208.23) feet north of Court Avenue) extending westerly four hundred and seventy six (476.50) feet to the east side of Watkins Street. **Segment 2** begins two hundred and eight (208) feet north of Court Avenue on the east side of Watkins Street and extending westerly six hundred and forty six (646) feet to McNeil Street. This area is zoned in the Multiple Family Residential (R-MH) District. The alley is bounded to the west by Cleveland Street and McNeil Street to the east. The adjacent properties to the north and south of this closure area contains multiple family units. The area north of the **Segment 1 closure** is owned by the applicant (WSG Memphis, LLC). The area south of the **Segment 1 closure** is owned by Tonga Nguyen, NAA3, LLC, NAA1, LLC and Terry Roberts. The area north of the **Segment 2 closure**, is owned by the applicant (WSG Memphis, LLC). The area located to the south of the **Segment 2 closure** is owned by the applicant (WSG Memphis, LLC) and Court Manor, LLC. Multiple family residential units are located to the north south of this closure area.

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*).

Alley Characteristics:

This alley was created as a result of the 1888 Madison Heights Subdivision. The right-of-way width varies. **Segment 1** has fourteen (14.8) feet of right-of-way width and proceeds eastwardly approximately four hundred and seventy six (476.50') feet to Watkins Street (50' R.O.W). This segment contains seven thousand and sixty two (7,062) square feet of area.

Segment 2 has fifteen (15.66') of right-of-way width and proceeds eastwardly approximately six hundred and forty six (646.50') feet to McNeil Street (R.O.W varies) terminating with thirteen (13.51') feet of right-of-way width. This segment contains nine thousand four hundred and thirty four (9,434) square feet of area. The entire closure area contains one thousand one hundred and twenty three (1,123') feet. (*see page 10*).

Conclusion:

The applicant is the owner of the majority of adjacent lots located to the north of closure areas of **Segment**

1

and **2**. However, there are four (4) lots (Tonga Nguyen property, NAA3, LLC property, NAA1, LLC property and Terry Roberts property) located to the south of **Segment 1** and one (1) lot (Court Manor, Inc. property) south of **Segment 2** that are not owned by the applicant. These property owners have not signed the application as required by the Subdivision Regulations. Prior to approval by the Memphis City Council these property owners will be required to sign the application. These lots contain multiple family residential units, (*see page 10 and 11*). This right of-way is paved and is utilized by vehicular traffic. To date staff has not received any telephone calls, emails or letters from the adjacent property owners expressing objection to the closure of this alley.

This alley only provides access to the adjacent properties to the north and south of the proposed closure area. However as shown on page 11 the Tonga Nguyen property, NAA3, LLC property, NAA1, LLC property, Terry Roberts's property, and Court Manor, Inc. property do use this alley for rear yard access.

The Tonga Nguyen property has one hundred (100') feet of lot width along Court Avenue and has approximately two hundred and eight (208') feet of lot depth. If the request for closure is approved the Tonga Nguyen property shall receive approximately seven (7.41) feet along the one hundred (100') foot rear property line, which would add seven hundred and forty one (741) square feet of additional lot area.

The NAA3, LLC property has fifty (50') feet of lot width along Court Avenue and approximately two hundred and eight (208') feet of lot depth. If the request for closure is approved the NAA3, LLC property shall receive approximately seven (7.41) feet along the fifty (50') foot rear property line, which would add three hundred and seventy (370) square feet of additional lot area.

The NAA1, LLC property has one hundred and fifty (150') feet of lot width along Court Avenue and approximately two hundred and eight (208') feet of lot depth. If the request for closure is approved the NAA1, LLC property shall receive approximately seven (7.41) feet along the one hundred and fifty (50') foot rear property line, which would add one thousand one hundred and one (1,111) square feet of additional lot area.

The second Tonga Nguyen property has one hundred (100') feet of lot width along Court Avenue and has approximately two hundred and eight (208') feet of lot depth. If the request for closure is approved the Tonga Nguyen property shall receive approximately seven (7.41) feet along the one hundred (100') foot rear property line, which would add seven hundred and forty one (741) square feet of additional lot area.

The Terry Roberts property has seventy six (76.5') feet of lot width along Court Avenue and has approximately two hundred and eight (208') feet of lot depth. If the request for closure is approved the Terry Roberts property shall receive approximately seven (7.41) feet along the seventy six (76.5') foot rear property line, which would add five hundred and sixty six (566) square feet of additional lot area.

The Court Manor, Inc. property has three hundred (300') feet of lot width along Court Avenue and has approximately two hundred and eight (208') feet of lot depth. If the request for closure is approved the Terry Roberts property shall receive approximately seven (7.41) feet along the three hundred (300') foot rear property line, which would add two thousand three hundred and forty nine (2,349) square feet of additional lot area.

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.

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:	14' Watkins Street and 13' McNeil Street

DEPARTMENTAL COMMENTS

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

City Engineer:

Street Closures:

1. These two alleys should be closed in total, rather than piecemeal in particular, the segment between Watkins and McNeil cannot be left open as shown, unless an alternative means of egress by forward motion (public) can be assured from the internal end.
2. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
3. 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 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.
4. 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:

Segment to east of Watkins is not highlighted on plan but is included in length. No Comments.

City Real Estate:

No Comments.

City/County Health Department:

The Water Quality Branch has no comments.

City Board of Education:

The subject property does not appear to be adjacent to any property which has been identified as belonging to Memphis City Schools (MCS). No identifiable impact on MCS' school-aged population nor MCS' property interests. Thank you for the opportunity to comment.

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. Mcloud