

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT # 9**

CASE NUMBER: SAC 08-606

L.U.C.B. MEETING: August 14, 2008

DEVELOPMENT NAME:

Washington Avenue Alley Closure

LOCATION:

Segment 1 – beginning 187.5 feet north of Jefferson Avenue on the west side of McNeil Street and extending west to Watkins Street.

Segment 2 – beginning at a distance 100 feet west of the west side of Watkins Street and 140 feet east of the east side of Cleveland Street, 187.50 feet north of Jefferson Avenue

APPLICANT:

WSG Memphis, LLC

REPRESENTATIVE:

Brenda Solomito ~ Solomito Land Planning

REQUEST:

Close & vacate right-of-way

AREA of ROW:

6,233 square feet

LENGTH x WIDTH OF R.O.W.:

647' X 17.35' & 426.5' X 14.21'

EXISTING LAND USE & ZONING:

Alley right-of-way ~ Multiple Family Residential (R-MH) District

SURROUNDING LAND USE & ZONING:

North: *Vacant land area and single family dwellings* ~ Multiple Family Residential (R-MH) District

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

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

West: *Single family and multiple dwellings* ~ Multiple Family Residential (R-MH) 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 seventeen (17.35') feet of right-of-way width and proceeds westward approximately six hundred and forty seven (647') feet to Watkins Street (50' R.O.W). The width at the intersection of Watkins Street and this alley is approximately fourteen (14.69) feet. This segment contains ten thousand three hundred and sixty four (10,364) square feet of area.

Segment 2 (one hundred (100') feet west of the west side of Watkins Street) has fourteen (14.21') feet of right-of-way width and proceeds westward approximately three hundred and twenty six (326') feet to one hundred and forty (140') feet east of the east side of Cleveland Street. This segment contains four thousand eight hundred and two (4,802) square feet of area. The entire closure area contains fifteen thousand one hundred and sixty-six (1,166') feet. (*see page 10*).

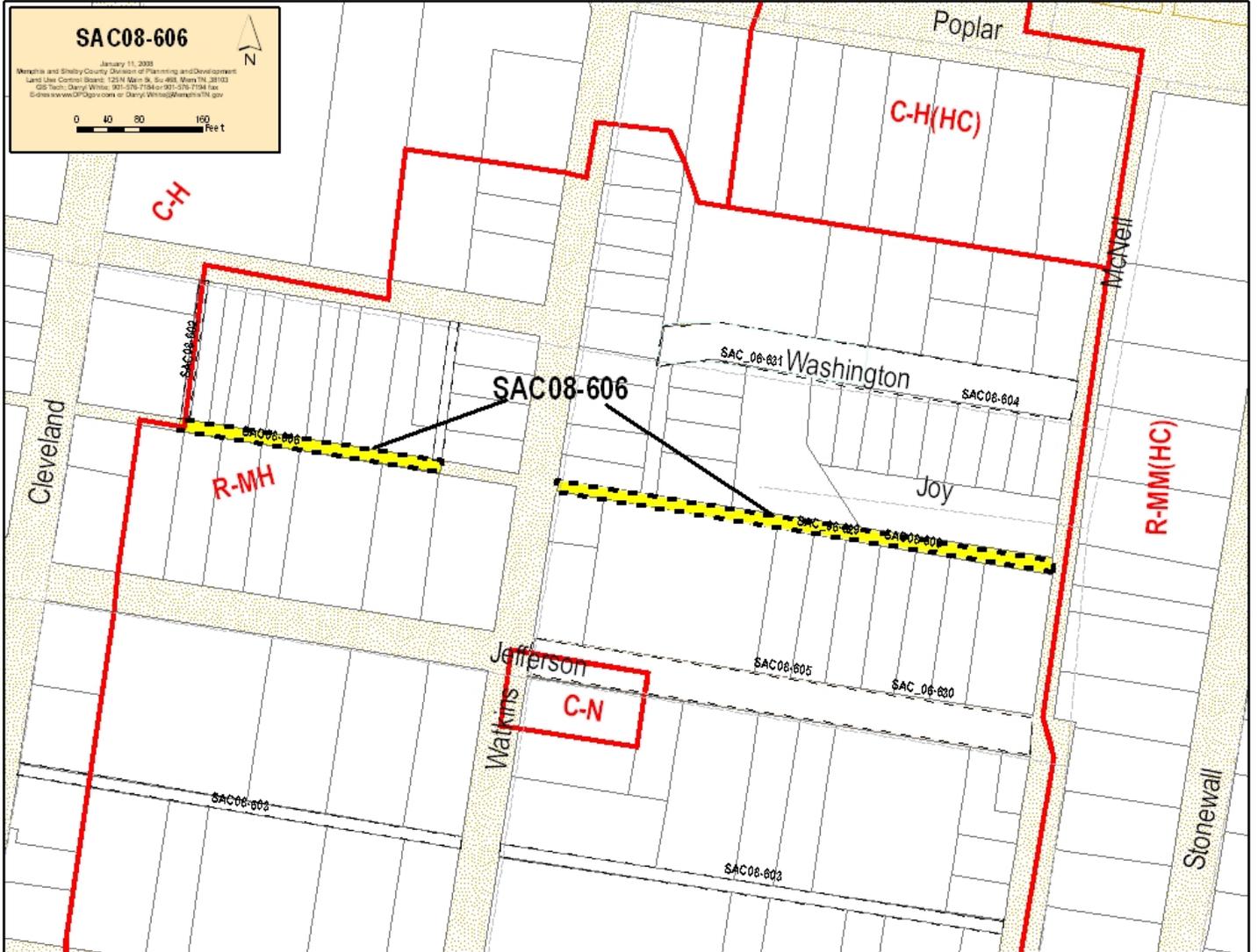
2. The applicant is the owner of the majority of adjacent lots located to the north of closure areas of **Segment 1** and **2**. However, there are two (2) lots (Ham Nghia & Be Kim Chung property and Vietnamese Buddhist Association of Memphis property) located to the south of **Segment 2** that are not 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 express objection to the closure of this alley.

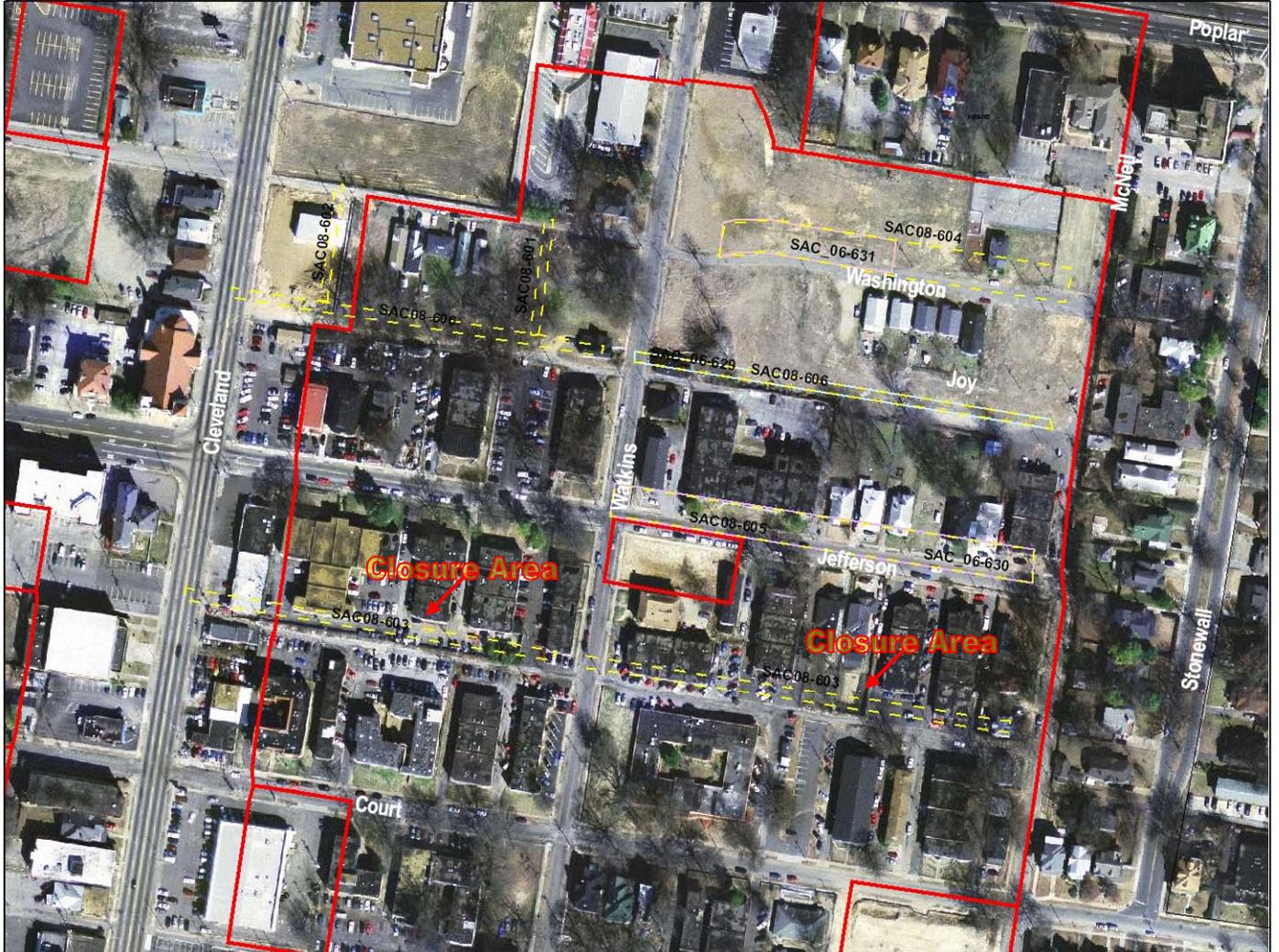
3. There is a companion Planned Development application to this alley closure request. The existing area consist of vacant land, multiple family dwellings, single-family dwellings, and commercial uses located along the arterial streets, (*see page 6*). The Planned Development proposes the redevelopment 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 use, 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 north and south of the proposed closure Area. However as shown on page 11, the Ham Nghia & Be Kim Chung property and Vietnamese Buddhist Association of Memphis property does use this alley for rear yard access.*

The Ham Nghia & Be Kim Chung property has fifty (50') feet of lot width along Jefferson Avenue and has approximately one hundred and eight seven (187') feet of lot depth. If the request for closure is approved the Ham Nghia & Be Kim Chung property shall receive approximately seven (7) feet along the fifty (50') foot rear property line, which would add three hundred and seventy five (375) square feet of additional lot area.

The Vietnamese Buddhist Association of Memphis property has one hundred (100') feet of lot width along Jefferson Avenue and approximately one hundred and eight seven (187') feet of lot depth. If the request for closure is approved Vietnamese Buddhist Association of Memphis property shall receive approximately seven (7) feet along the one hundred (100') foot rear property line, which would add seven hundred and fifty one (751) square feet of additional lot area.

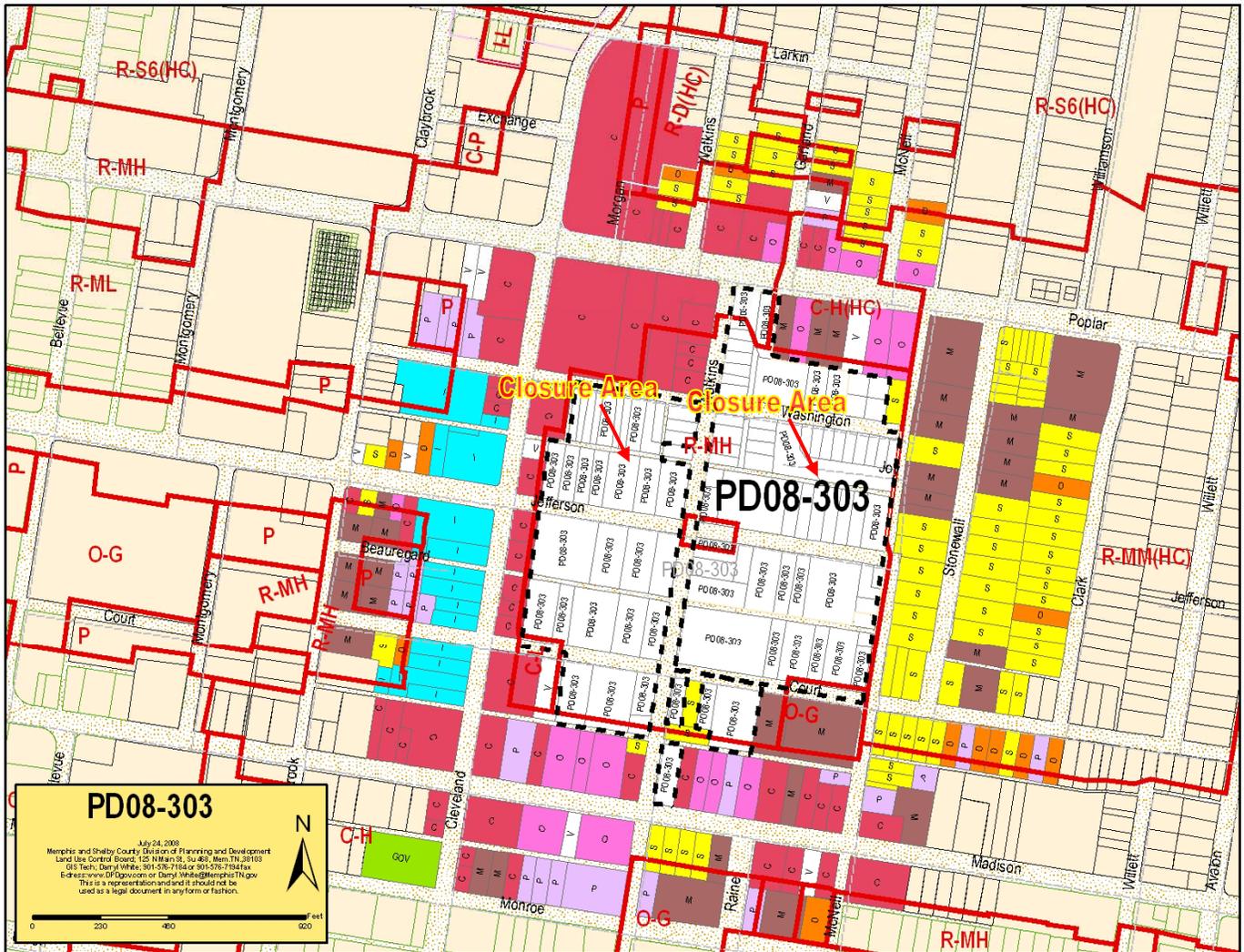


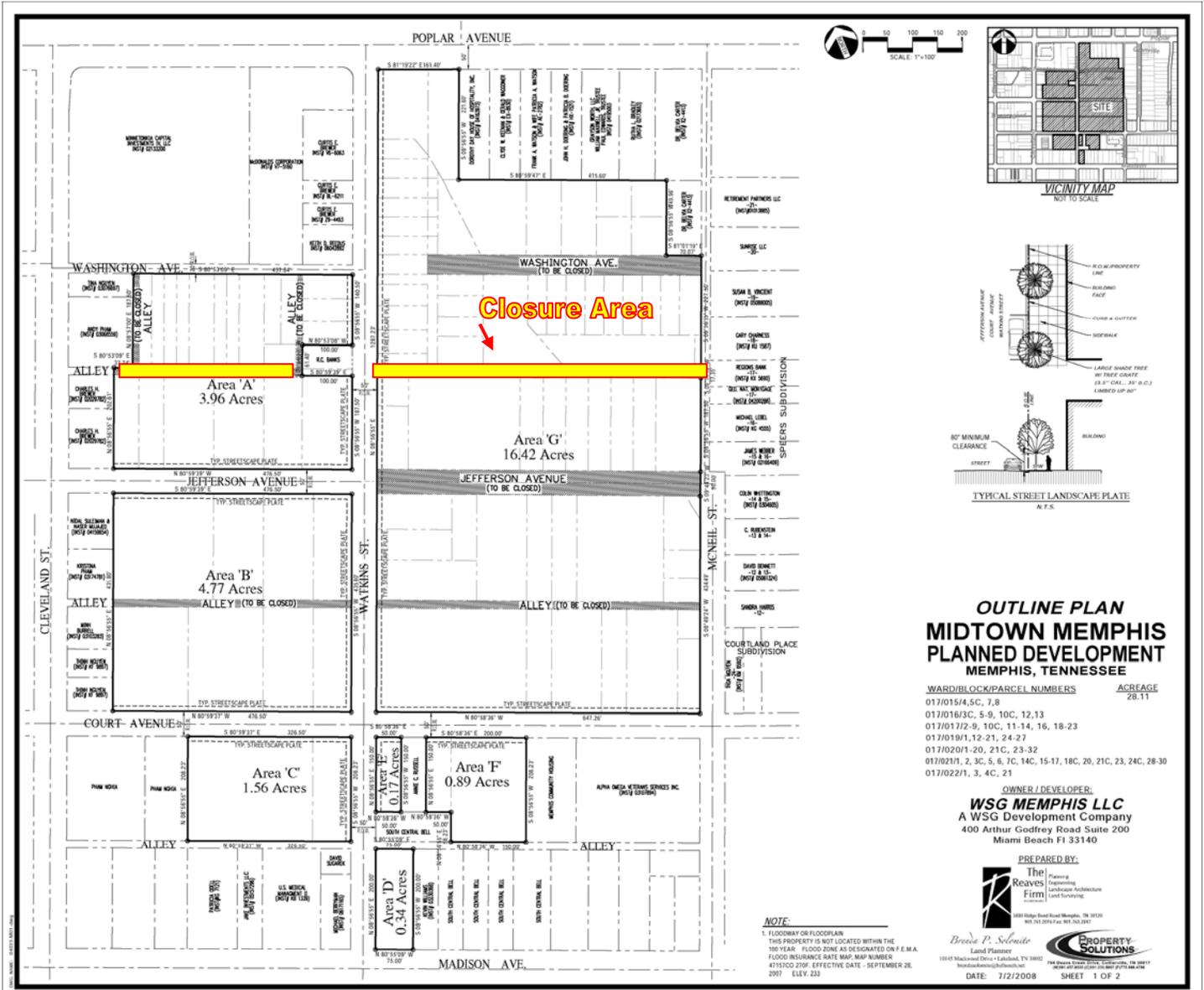


August 06, 2008
Memphis and Shelby County Division of Planning and Development
Land Use Control Board, 125 N Main St, Su 405, Mem, TN, 38103
GIS Tech, Darryl White, 901-576-7184 or 901-576-7194 Fax
E dross:www.DPDgov.com or Darryl.White@MemphisTN.gov
This is a representation and should not be used
as 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
017/015/4,5,C,7,8	28.11
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, 1C, 14C, 15-17, 18C, 20, 21C, 23, 24C, 28-30	
017/022/1, 3, 4C, 21	

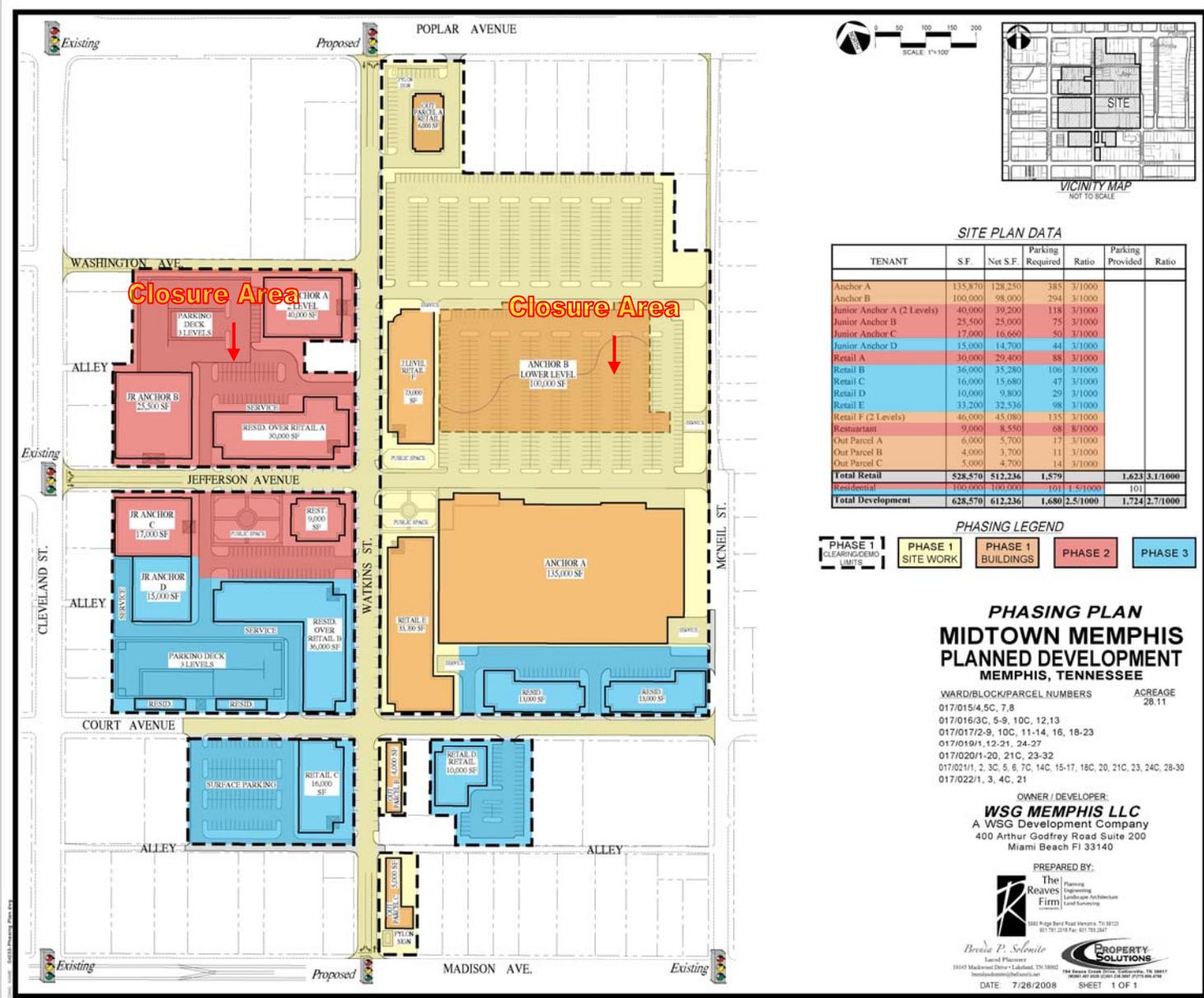
OWNER / DEVELOPER:
WSG MEMPHIS LLC
A WSG Development Company
400 Arthur Godfrey Road Suite 200
Miami Beach FL 33140

PREPARED BY:
The Reaves Firm
Planning
Landscape Architecture
and Surveying
1885 Ridge Road East Memphis, TN 38103
901.253.2014 Fax: 901.263.1917

PROPERTY SOLUTIONS
18145 McLeod Drive • Lubbock, TX 79602
Phone: 806.792.2222 • Fax: 806.792.2222
www.property-solutions.com

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
47157C0270F, EFFECTIVE DATE - SEPTEMBER 28,
2007. ELEV. 523.

DATE: 7/2/2008 SHEET 1 OF 2





TENANT	S.F.	Net S.F.	Parking Required	Ratio	Parking Provided	Ratio
Anchor A	135,000	126,250	140	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	16,640	50	3/1000		
Junior Anchor D	15,000	14,700	44	3/1000		
Retail A	30,000	29,400	89	3/1000		
Retail B	30,000	29,280	89	3/1000		
Retail C	16,000	15,680	47	3/1000		
Retail D	10,000	9,800	29	3/1000		
Retail E	11,200	10,936	33	3/1000		
Retail F (2 Levels)	40,000	39,200	118	3/1000		
Equipment	5,000	4,950	14	3/1000		
Plot Parcel A	6,000	5,700	17	3/1000		
Plot Parcel B	4,000	3,700	11	3/1000		
Plot Parcel C	3,000	2,700	8	3/1000		
Total Retail	528,200	512,236	1,579		1,623	1.0388
Development	500,000	482,000	142		1,510	1.05
Total Development	628,200	613,236	1,721		3,133	1.7942

PREPARED BY:
The Reaves Firm
 Planning
 Engineering
 Landscape Architecture
 Land Surveying
 8849 Ridge Road Memphis, TN 38120
 901.761.2010 Fax: 901.763.2847
 Brian P. Solovito
 Land Planner
 10145 Mackwood Drive • Lakeland, TN 38002
 bpsolovito@reavesfirm.com

PROPERTY SOLUTIONS
 734 Deane Creek Drive, Collierville, TN 38017
 (901) 607-8222 (404) 991-726-2467

JULY 2, 2008

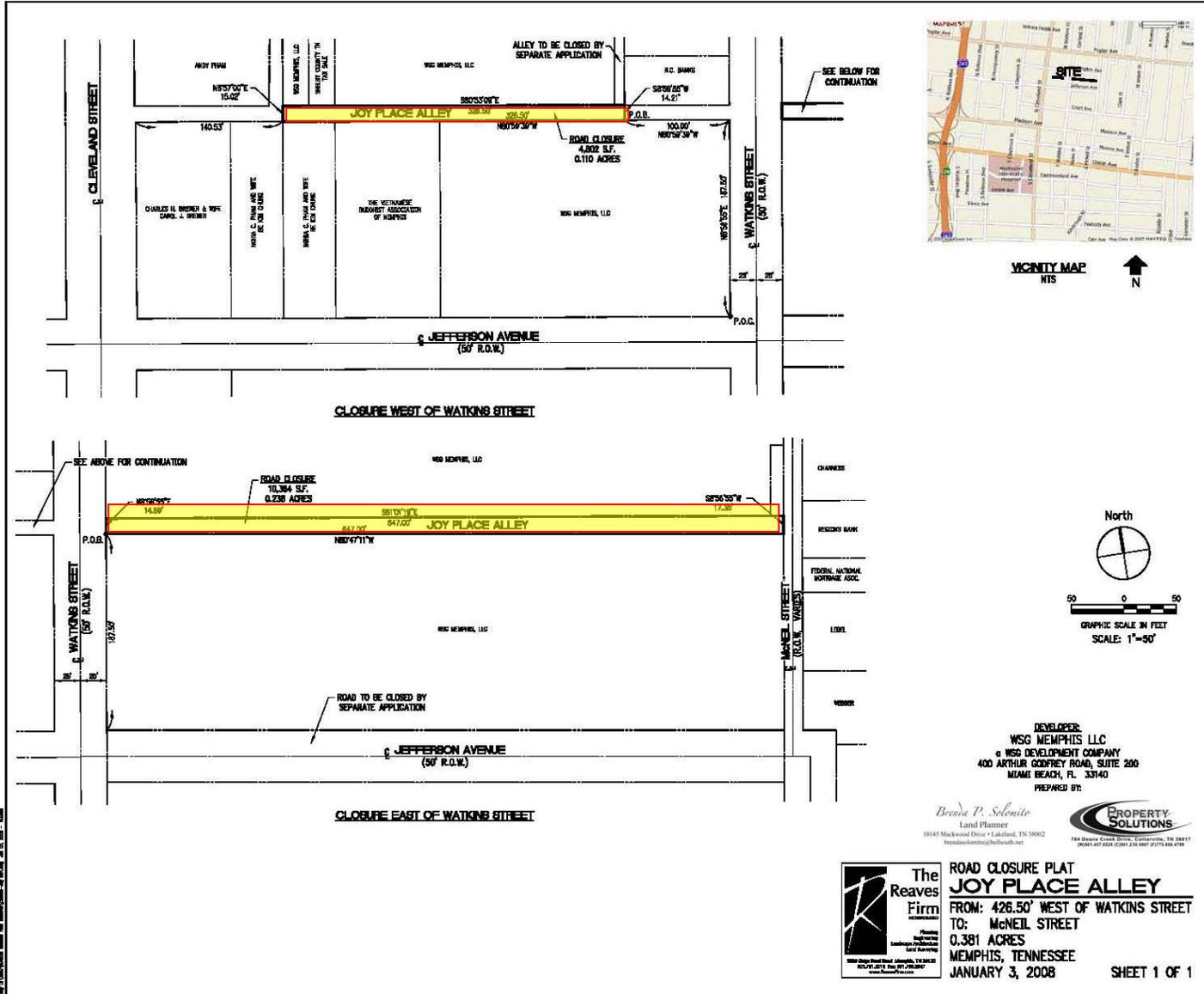
Conceptual Master Plan

MIDTOWN MEMPHIS
Planned Development

MEMPHIS, TENNESSEE

DEVELOPED BY:
WSG MEMPHIS LLC

WSG
 DEVELOPMENT COMPANY
 400 Arthur Godfrey Road Suite 200 Miami, Florida 33157-3707



The Reaves Firm
 Planning
 Engineering
 Surveying
 Land Management
 1000 Poplar Avenue, Memphis, TN 38102
 901.527.2010 Fax 901.527.2007
 www.reavesfirm.com

ROAD CLOSURE PLAT
JOY PLACE ALLEY
 FROM: 426.50' WEST OF WATKINS STREET
 TO: McNEIL STREET
 0.381 ACRES
 MEMPHIS, TENNESSEE
 JANUARY 3, 2008

PROPERTY SOLUTIONS
 194 BRINK CROSS DRIVE, COVINGTON, TN 38017
 (901) 457-0500 FAX (901) 230-8887 (978) 436-4758

DEVELOPER:
 WSG MEMPHIS, LLC
 a WSG DEVELOPMENT COMPANY
 400 ARTHUR GODFREY ROAD, SUITE 200
 MIAMI BEACH, FL 33140
 PREPARED BY:

BRUCE P. SILVANO
 Land Planner
 10145 Mackwood Drive • Lakeland, TN 38002
 bruce@brucep.com/bpsilvano.net

SHEET 1 OF 1



STAFF ANALYSIS

Site Area Description:

The subject property is located in the Midtown Planning District. **Segment 1** begins approximately one hundred and eight seven (187.5') feet north of Jefferson Avenue on the west side of McNeil Street and extending west to Watkins Street. **Segment 2** begins at a distance one hundred (100') feet west of the west side of Watkins Street and one hundred and forty (140') feet east of the east side of Cleveland Street, one hundred and eight seven (187.5') feet north of Jefferson Avenue. This area is zoned in the Multiple Family Residential (R-MH) District. The adjacent properties to the north and south of this closure area contain vacant land area, single family and multiple family dwellings. The area north and south of the **Segment 1 closure** is own by the applicant (WSG Memphis, LLC). The area north of the **Segment 2 closure** is owned by the applicant (WSG Memphis, LLC). The area south of the **Segment 2 closure, is owned by** is owned by the applicant (WSG Memphis, LLC), Pham Nghia & Be Kim Chung and Vietnamese Buddhist Association of Memphis.

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 seventeen (17.35') feet of right-of-way width and proceeds westward approximately six hundred and forty seven (647') feet to Watkins Street (50' R.O.W). The width at the intersection of Watkins Street and this alley is approximately fourteen (14.69) feet. This segment contains ten thousand three hundred and sixty four (10,364) square feet of area.

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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 two (2) lots (Ham Nghia & Be Kim Chung property and Vietnamese Buddhist Association of Memphis property) located to the 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

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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:	14/17'' – Watkins Street and McNeil Street

DEPARTMENTAL COMMENTS

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

City Engineer:

Street Closures:

1. City Engineering would prefer to see the entire alley closed in Segment 2, rather than having relocate at developer's expense.
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 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.
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:	Same as SAC 08-605??.
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.

AT&T/Bell South:

AT&T Tennessee presently has an aerial cable (on AT&T poles) serving addresses on both the north and south sides of this section of Jefferson Avenue. AT&T would expect to be reimbursed for any relocation costs associated with this road closure.

Memphis Area Transit Authority (MATA):

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 Hickory Hill Road is an existing major road consisting of 108 feet of right of way, 88 feet of pavements, and no proposed improvements.

OPD-Plans Development:

No comments.

SW- Carlos B. McCloud