

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND
DEVELOPMENT**

STAFF REPORT #1

CASE NUMBER: SAC 09-605 **L.U.C.B. MEETING:** 05/14/09

STREET NAME: Old Holmes Road Closure

LOCATION: Beginning at a point approximately 1,500 feet west of Bledsoe
Road and extending west 709.75 feet

COUNCIL DISTRICT: 3

SUPER DISTRICT: 8

APPLICANT: Mark H. & Melinda M. George

REPRESENTATIVE: ETI Corporation - Rodney Joyner

REQUEST: Close a remnant portion of existing
right-of-way left abandoned as a
result of the construction of a new
Holmes Road overpass over the
Burlington Northern Railroad

AREA: 42,364 square feet (.97 acres)

SURROUNDING LAND USE & ZONING:

North: Trucking Firm located in the I-H District

East: Trucking Firm/Warehousing located in the I-H District

South: Warehousing/Railroad located in the I-H District

West: Various industrial and commercial uses located in the I-L District

OFFICE OF PLANNING AND DEVELOPMENT
RECOMMENDATION: *Approval With Conditions*

CONCLUSIONS

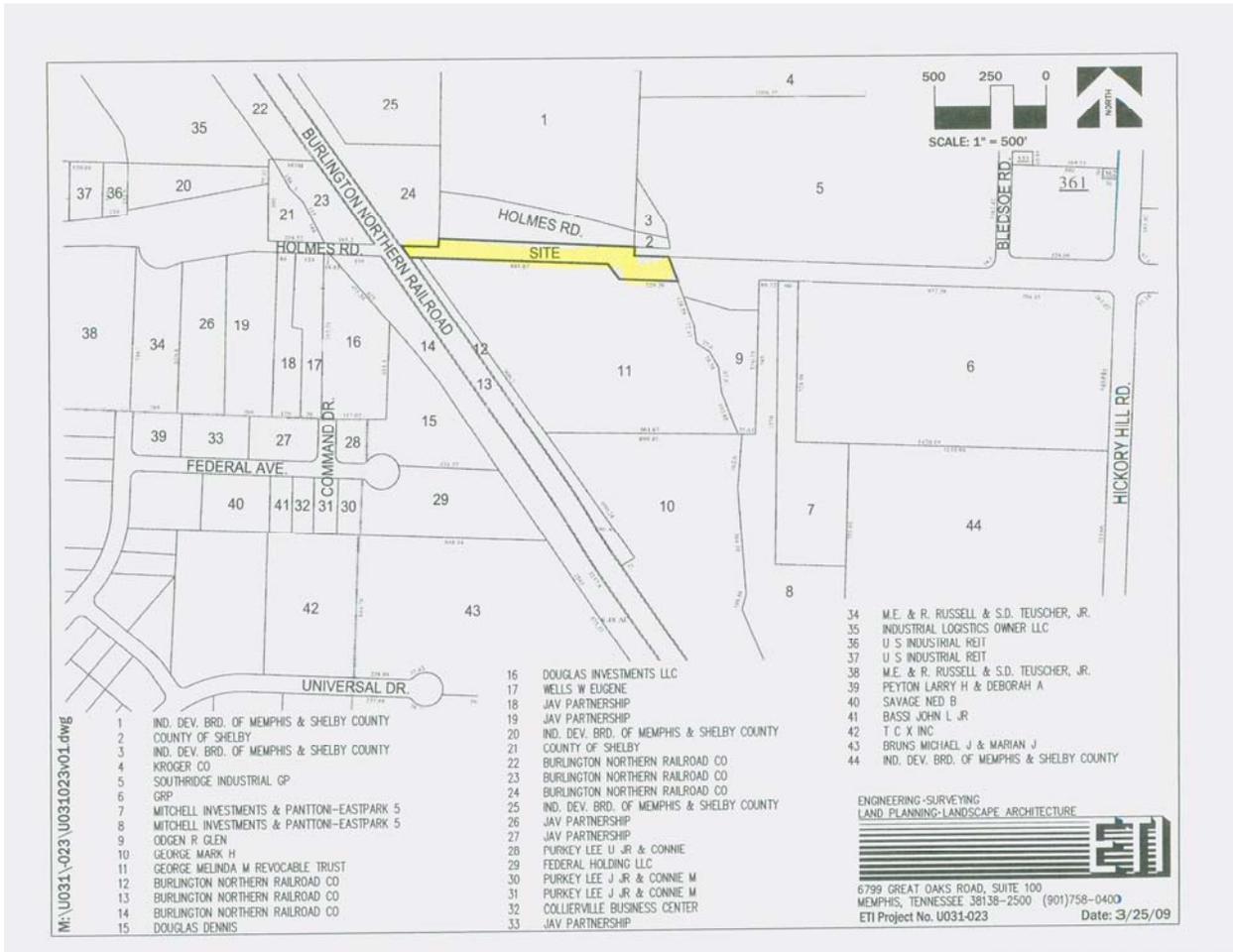
1. The proposed closure area is a remnant portion of Holmes Road left as a result of the improvement of Holmes Road at this location as an elevated road section with overpass over the Burlington Northern Railroad.
2. The applicant, who owns trucking operations on both sides of the newly-completed Holmes Road, wishes to provide better security for his operations by eliminating this public roadway remnant which does little more now than serve as access to his properties anyway rather than multiple properties or part of a needed public street system connection.
3. It does appear that Burlington Northern Railroad may still need access through the closed street to service their rail line. The applicant has stated that appropriate access easement rights will be given to the railroad to accomplish this.

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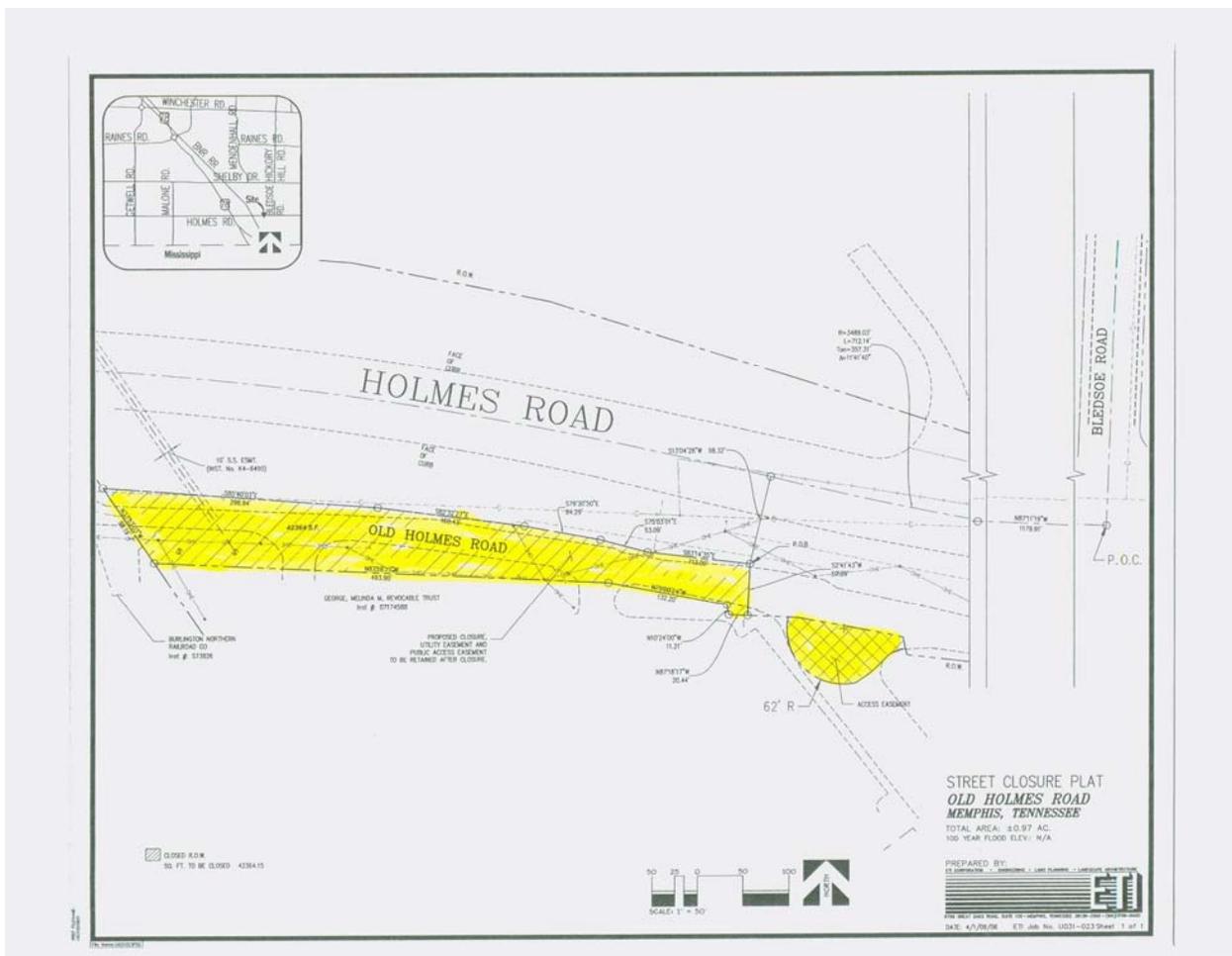
“Old” Holmes Road is superimposed on this aerial photo south of the new overpass constructed over the Burlington Northern Railroad.

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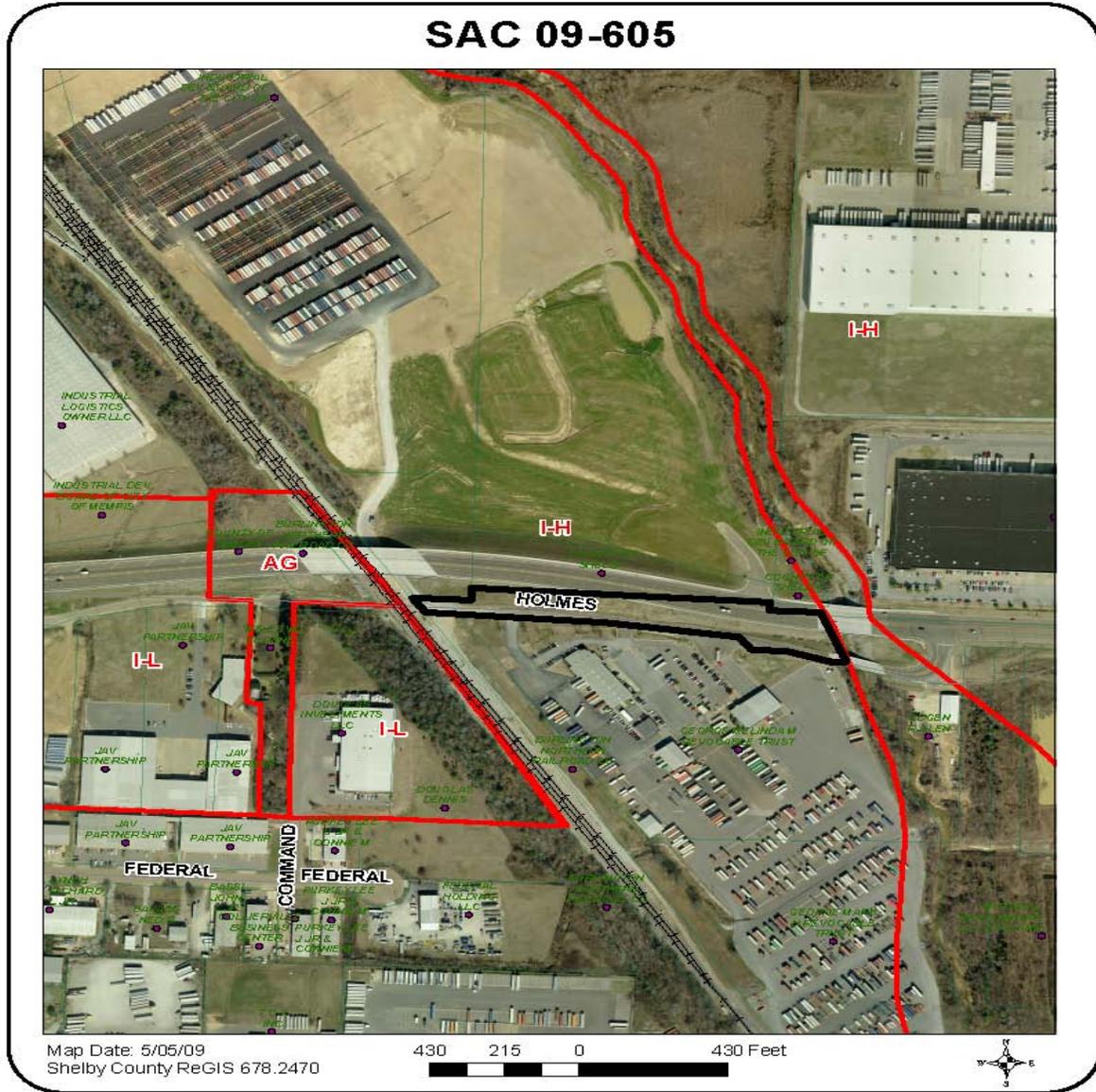


Vicinity Map With Surrounding Property Owners Identified

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Proposed Right-Of-Way Highlighted For Closing. An Access Easement Is Also Proposed For A Truck Turn-Around Area



Aerial Photo Of Closure

STAFF ANALYSIS

There is no objection to this closure. The only access affected by the closing is access to properties the applicant owns himself abutting the street closure and on the north side of newly-constructed Holmes Road which the applicant owns. It should also be noted that the Burlington Northern Railroad owns several parcels abutting their rail line that when field checked it appeared could only be accessed by way of the proposed street closing. The applicant has stated that agreements will be in place to provide the railroad access through the closure area if needed.

There is no public benefit to leaving the street open as it only serves the applicant and possibly the railroad. The applicant will need to construct a public street turn-around area at the east end closure terminus to ensure the motoring public does have a way to turn around once they come to the end of the public street segment. The design of this turn-around shall be subject to the approval of the City Engineer and should be based on a radius that can accomplish the turn-around needs of an 18 wheeler.

RECOMMENDATION: Approval of the street closing subject to the following conditions:

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 provide confirmation by Burlington Northern Railroad that any access needs they may have to their properties immediately west of the closure area be granted by the applicant prior to any transfer of closed right-of-way by deed to the applicant.
4. The applicant shall provide for the dedication and improvement of a public street turn-around in advance of the western end of the closure area subject to the approval of the City Engineer.
5. The applicant shall comply with all conditions of the closure within two years of the conditional approval of the closure by the City Council.

GENERAL INFORMATION

Planning District: Oakhaven/Parkway Village

Zoning Atlas Page: 2545

DEPARTMENTAL COMMENTS:

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

City Engineer:

Street Closures:

3. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
4. City sanitary sewers/drainage facilities are located within the proposed closure area.
5. 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.
6. 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:

No comments.

City Real Estate:

No comments received.

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.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.
Bell South / Millington Telephone: No comments received.

Memphis Area Transit Authority (MATA): No comments received.

OPD-Regional Services: No comments received.

OPD-Plans Development: No comments received.

Park Services Division: No comments received.

SW-NRS

