

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT ADDENDUM #3**

CASE NUMBER: SAC 09-607 **L.U.C.B. MEETING: 09/10/09**

08/13/09

STREET NAME: Cleveland Street Alley Closure

LOCATION: Beginning at a point on the west side of Watkins Street, 155 feet south of Madison Avenue, and extending west 361 feet

COUNCIL DISTRICT: 7

SUPER DISTRICT: 8

APPLICANT: Medical Education & Research Institute

REPRESENTATIVE: Brenda Solomito

REVISED REQUEST: Close a portion of an existing, improved alley and dedicate and improve a new north/south alley

LENGTH: 361 feet of proposed closed alley; 154 feet of new alley

SURROUNDING LAND USE & ZONING:

North: Convenience store and offices in the Highway Commercial (C-H) District

East: Offices in the Highway Commercial (C-H) & General Office (O-G) District

South: Offices, parking, and a restaurant in the Highway Commercial (C-H) District

West: Offices and commercial uses in the Highway Commercial (C-H) District

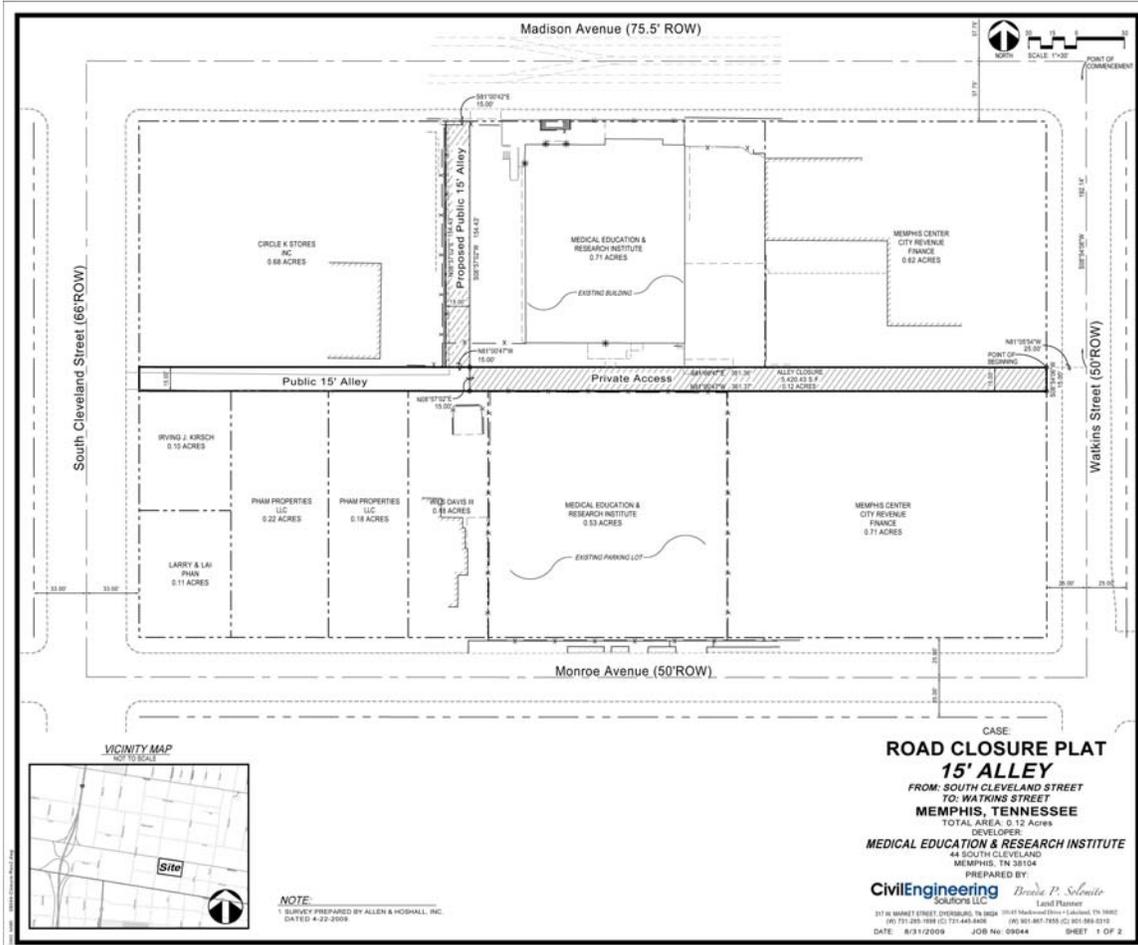
OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval With Conditions

ADDENDUM CONCLUSIONS

1. After joint negotiations with representatives from the Office of Planning and Development, City Engineering Office, and Center City Commission, the applicant has agreed to a modified alley closing plan that meets both their objectives and those of the representatives.
2. The modified plan will leave the west 1/3 of the alley open and provide a new north/south public alley to Madison Avenue while the remaining alley length will be closed and gated. This will permit the applicant to secure their property while still having the ability to access it through gates and retain secured parking in the rear of the building.
3. Rear access will remain to all properties abutting the alley through the remaining and new public alley or the access easement to be placed over the former alley to permit the applicant to access their property from Watkins Street. This achieves the design objectives of the Medical Overlay District which encourages the use of alleys as access to rear parking areas behind buildings to maintain and develop street frontages devoid of surface parking and driveway cuts.
4. The modified plan is recommended with conditions.

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Revised Closing Plan With New North/South Alley To Be Constructed

ADDENDUM ANALYSIS

The applicant agreed last month to hold the original application to close the entirety of the alley since the staff objected to its conflict with implementing provisions of the Medical Overlay District. A discussion of the objections is contained in the staff report dated 08/13/09 which is attached. The issues have been worked through now and an acceptable alternative provided that will achieve the objectives of the applicant and the objectives of the Medical Overlay District. In summary, rear access to the properties abutting the alley will remain in either the form of retaining a portion of the public alley to Cleveland Street or by access easement for the closed portion which will allow rear access to remain to all properties. This is important as rear access and rear parking is a key component to retaining and developing the public streetscapes required in the Medical Overlay District which prohibit front parking on selected streets, most notably here along Madison Avenue. The modified plan is recommended for approval subject to the conditions below.

RECOMMENDATION: Approval of the partial alley closing and dedication and improvement of a new north/south alley subject to the following conditions:

1. A new north/south public alley a minimum of 15 feet in width shall be dedicated and improved from Madison Avenue south to intersect the remaining east/west public alley that connects to Cleveland Street. The design and location of the alley driveway at Madison Avenue shall be subject to the approval of the City Engineer.
2. A final site plan illustrating the entirety of the block bounded by Madison Avenue to the north, Monroe Avenue to the south, Watkins Street to the east, and Cleveland Street to the west shall be provided that includes the following: the new alley and adjoining parking lot immediately abutting the alley to the east to be established by the applicant including any gating and fencing of this area; the proposed gates along the closed portion of the alley; an access easement illustrated over the appropriate closed portions of the alley so the applicant may access their property from Watkins Street and any other access easements that are to be established; and a detailed fencing/gating/parking plan for the applicant's properties. The site plan shall be approved by the City Engineer and Office of Planning and Development.
3. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.

4. 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.
5. Any fencing and gating erected shall follow the Site Development Standards for Fences and Walls (Section 1.9.3) of the Medical Overlay District Ordinance. All existing chain-link fencing shall be removed.
6. The applicant shall comply with all conditions of the closure within two years of the conditional approval of the closure by the City Council.