

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

STAFF REPORT #3

CASE NUMBER: SAC 09-609 L.U.C.B. **MEETING:** 11/12/09

STREET NAME: Guy Place Alley and Lyman Avenue

LOCATION: East side of Thomas Street, 118 feet south of Fiestone
Avenue

COUNCIL DISTRICT: 7

SUPER DISTRICT: 8

APPLICANT: Lovelace P. Gipson

REPRESENTATIVE: Campbell Surveying Company

REQUEST: Close Guy Place Alley and Lyman Avenue

AREA: .13 acres

SURROUNDING LAND USE & ZONING:

North: Existing dental office located in the Light Industrial (I-L) Zoning
District

East: Vacant property located in the Light Industrial (I-L) Zoning District

South: Retail building located in the Light Industrial (I-L) Zoning District

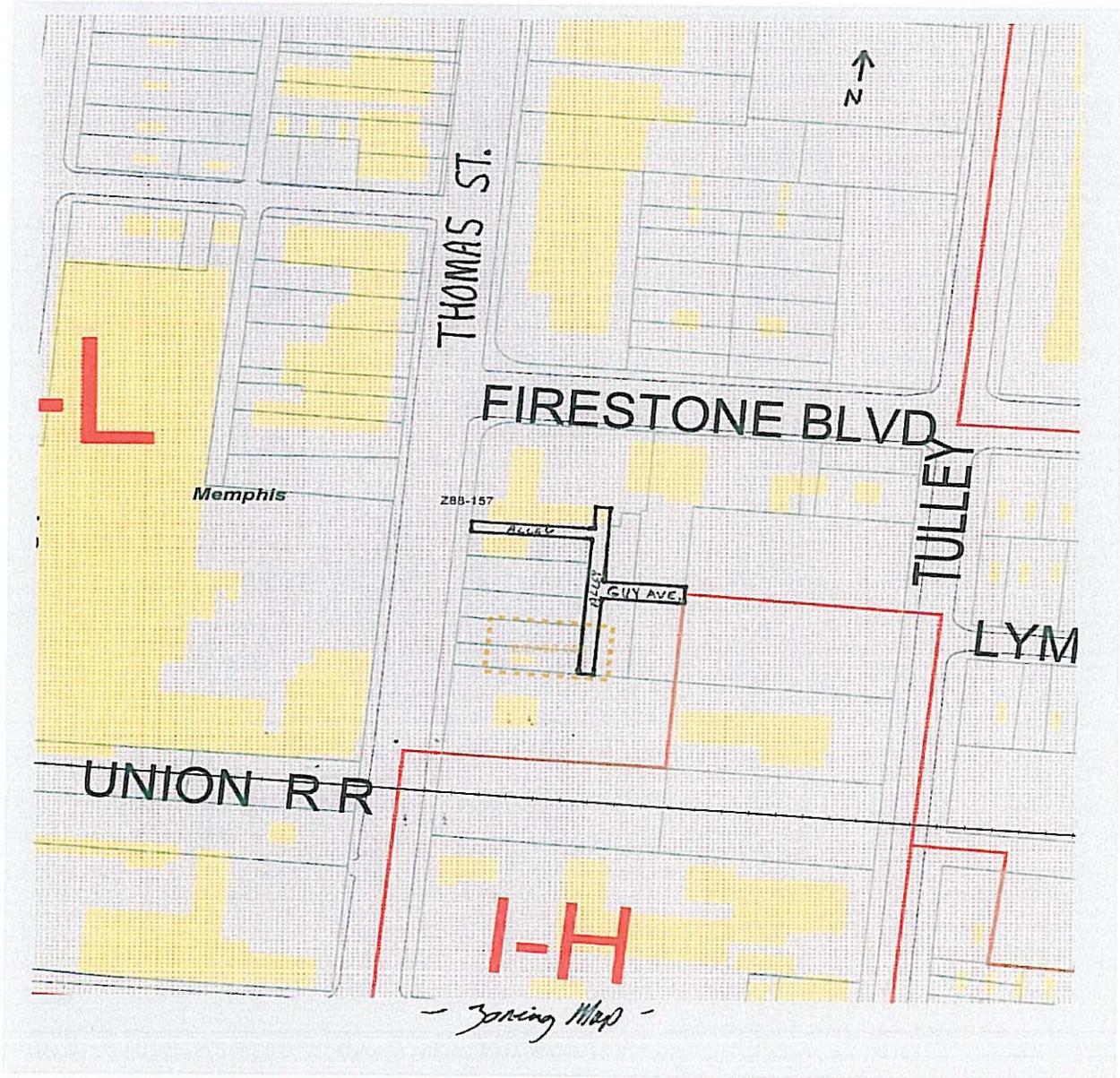
West: Industrial uses located in the Light Industrial (I-L) Zoning District

**OFFICE OF PLANNING AND DEVELOPMENT
RECOMMENDATION:**

Approval With Conditions

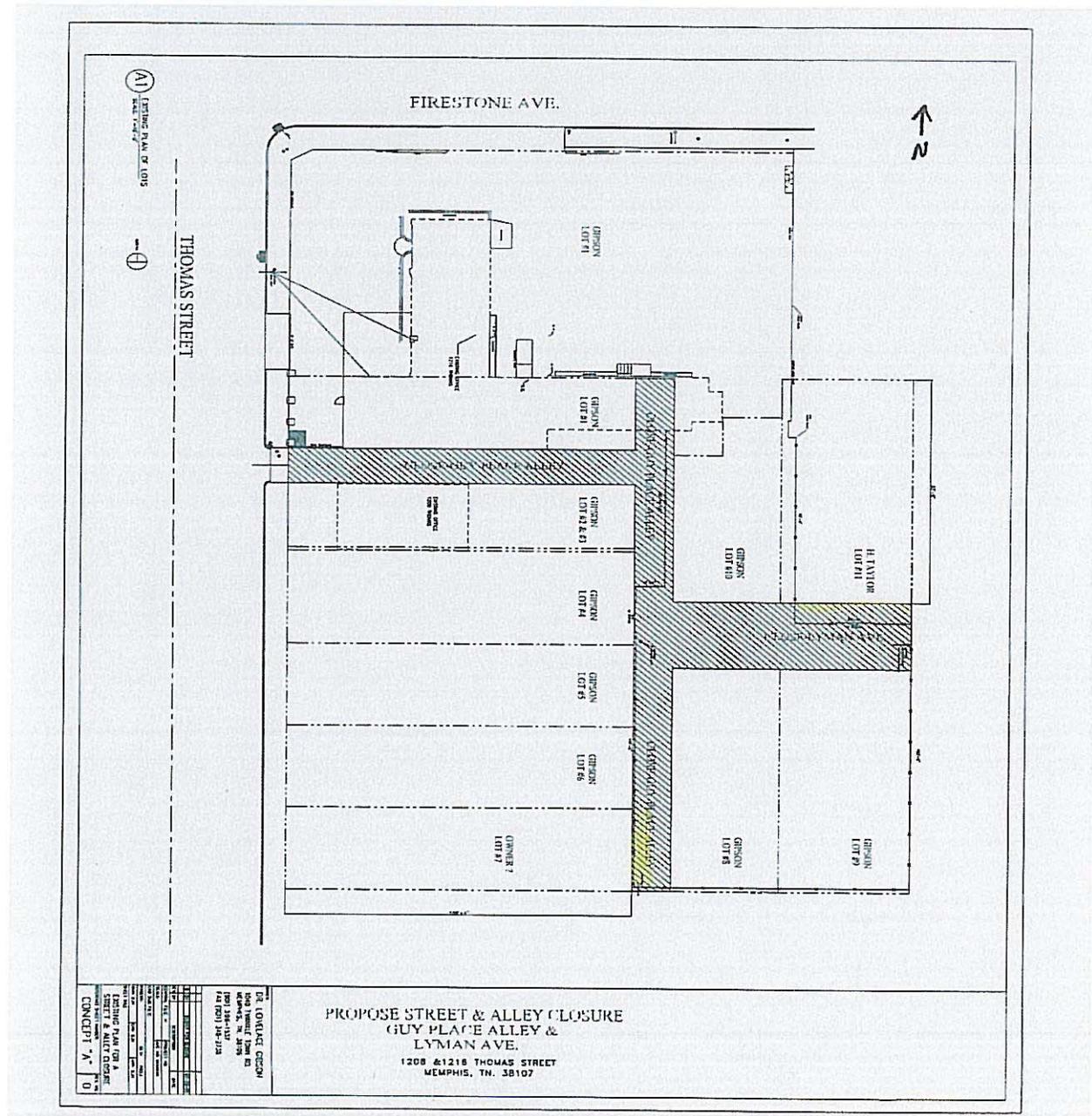
CONCLUSIONS

1. The proposed street and alley to be closed are little more than "paper streets" meaning they are platted, but not constructed. Retaining these rights-of-way serves no purpose in terms of street network/access.
2. The applicant is attempting to provide more parking and secure area for his employees and customers.
3. The applicant has recently invested into more on-site improvements to upgrade his property which helps improve the neighborhood.

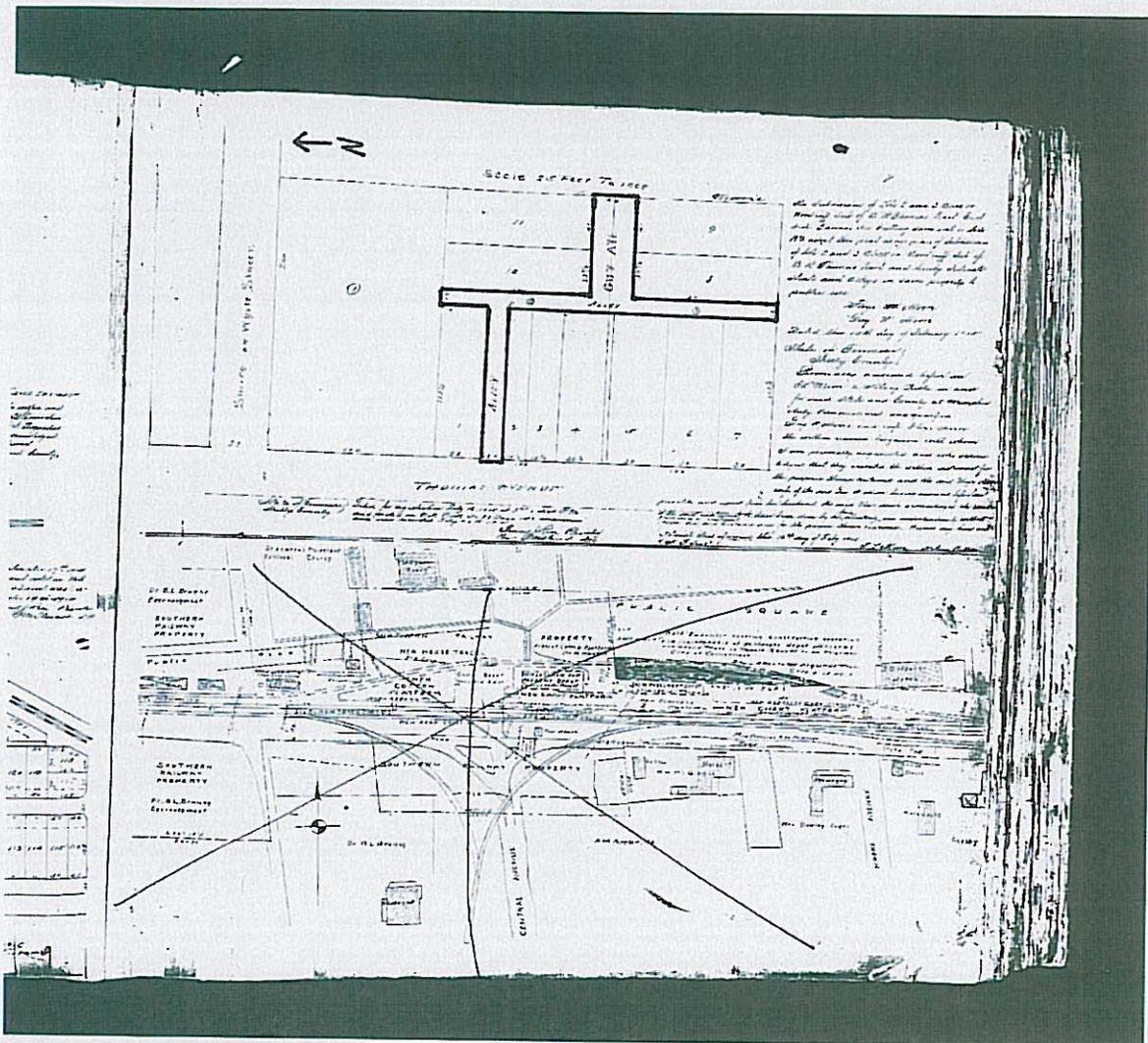


Zoning/Vicinity Map

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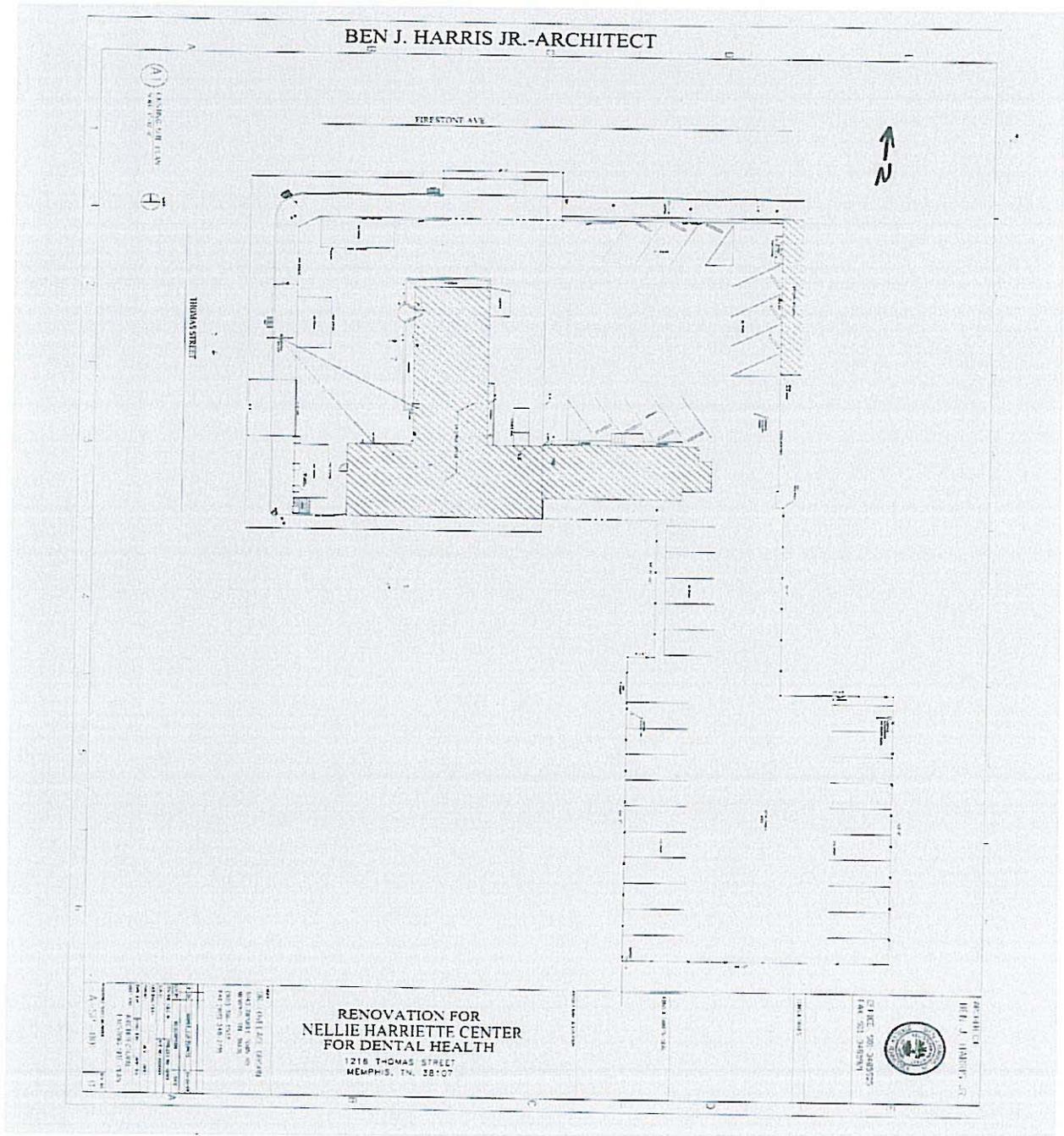


Proposed Closing Area In Striped Pattern



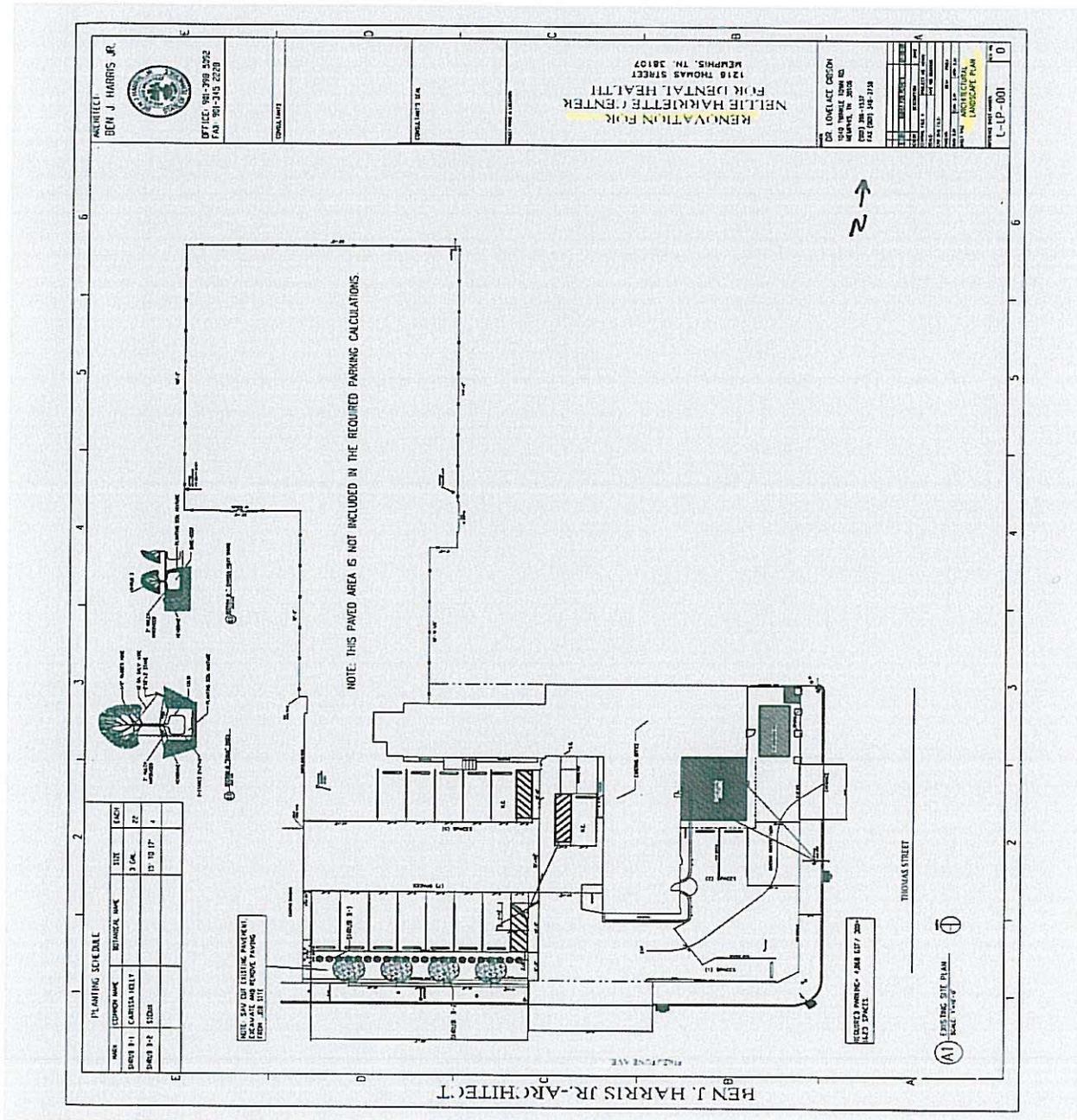
original Plat (See Top)

Original Subdivision Plat Dedicating The Street And Alley



Proposed Redevelopment Plan

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Another Version Of Proposed Redevelopment Plan

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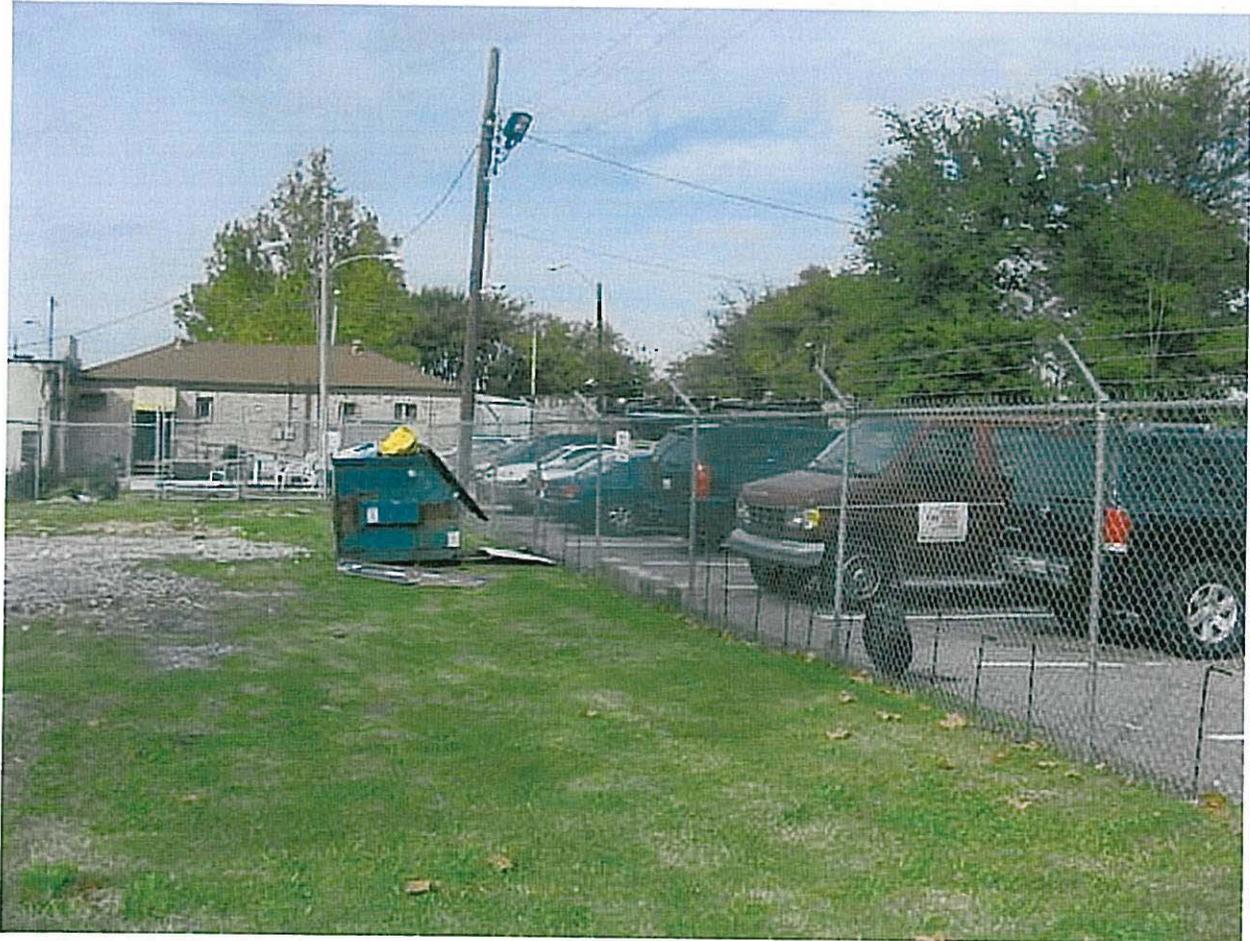
Portions of the alley and the street lie directly behind the dental facility

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East/West Alley off of Thomas Street proposed to be closed

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The North/South Alley parallels and lies just inside the fence edge. It is paved over as part of a parking lot.

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This is the location of the North/South Alley.

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View of the area from Tulley Street to the east.

STAFF ANALYSIS

The subject alleys and streets have been dedicated since the early 1900's. While possibly used in the past, they currently serve as no through access to connecting properties nor are they improved. The applicant operates a dental group facility at the southeast corner of Thomas Street and Firestone Avenue and would like to close the rights-of-way to secure his property and provide for future expansion area.

There is no objection to the request. The alleys and street appear to serve no useful purpose in providing for any future street network in the area. It should be noted that the closings will create some landlocked parcels/lots owned by the applicant and adjoining property owner. As such, once the alleys/street are closed, the applicant and any other owner of landlocked property should record a consolidation deed describing their ownerships in whole under one legal description so it is clear the landlocked parcels can no longer claim right to a building permit by virtue of their inclusion into a consolidated parcel.

RECOMMENDATION: Approval 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 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: North Memphis

Zoning Atlas Page: 1830

DEPARTMENTAL COMMENTS:

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

City Engineer:

Street Closures:

3. Closure of this alley will result in three land locked parcels. Lack of street frontage will result in not being able to obtain a building permit on these three parcels in the future.
4. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
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:

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

- **MLGW has existing utility distribution 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.
- 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.
- **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.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **Landscaping is prohibited** within any MLGW utility easement without prior MLGW approval.

- **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 pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

AT&T:	AT&T has no comment.
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.
Neighborhood Associations:	None contacted.

Staff Writer-NRS