

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

STAFF REPORT

#3

CASE NUMBER: SAC 10-602 **L.U.C.B. MEETING:** 3/11/10

STREET NAME: Poplar Alley Closure

LOCATION: Beginning 180 feet south of Poplar Avenue Alicia Street
and Merton Street

COUNCIL DISTRICT: 5

SUPER DISTRICT: 9

APPLICANT: Service Over Self Ministries and Abdo Sakaan

REPRESENTATIVE: Fisher & Arnold, Incorporated

REQUEST: Close an existing alley behind businesses that front Poplar Avenue
from Alicia Street to Merton Street

AREA: .39 acres

SURROUNDING LAND USE & ZONING:

North: Antiques Store, Service Over Self Facility, and liquor store in the
Highway Commercial (C-H) District

East: Security Guard business in the Highway Commercial (C-H)
District

South: Single-family dwellings in the Single-Family Residential (R-S6)
District

West: Convenience Store in the Highway Commercial (C-H) District

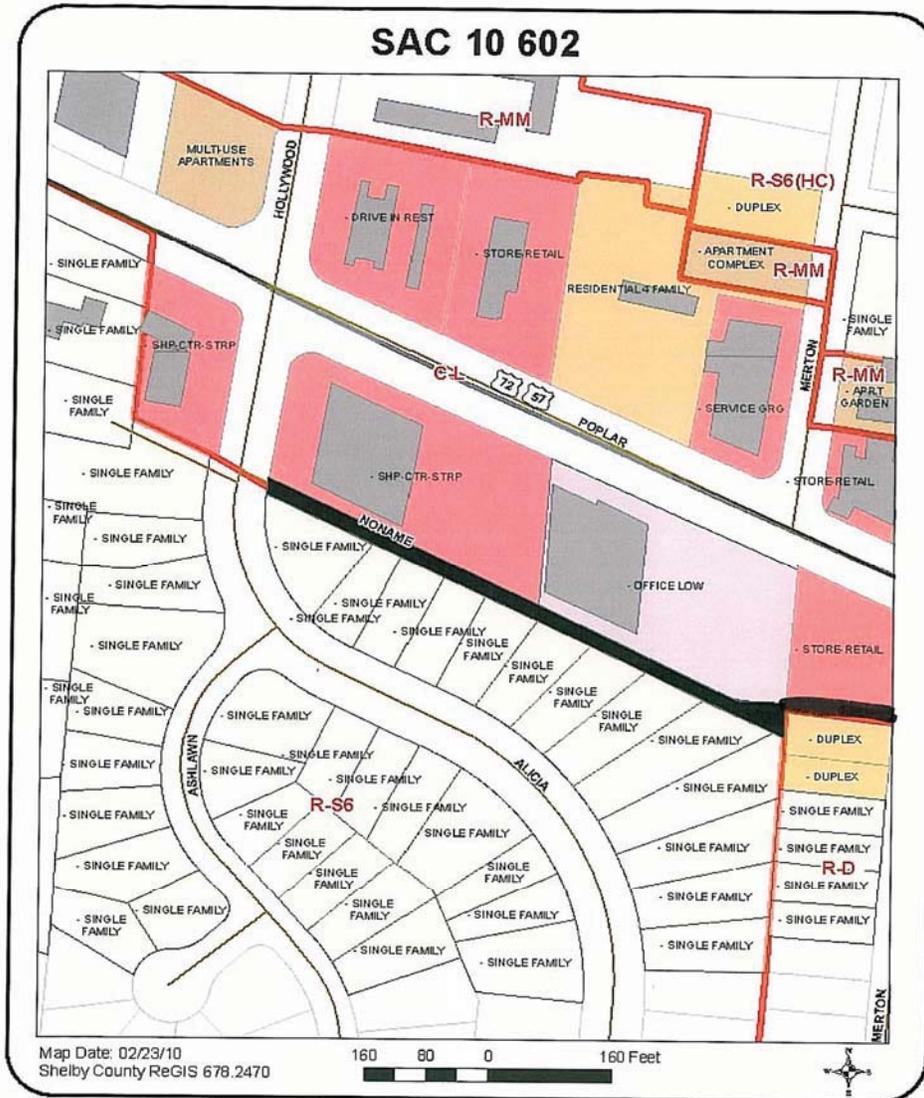
**OFFICE OF PLANNING AND DEVELOPMENT
RECOMMENDATION**

Approval With Conditions

CONCLUSIONS

1. No abutting property owner relies on the alley for access.
2. Any utilities located in the alley will have to remain accessible or relocated at the applicant's expense.
3. There is no objection to the request. It should be noted that confirmation that the portion of the alley behind Service Over Self is public is on-going as of the writing of this report. If it is determined it is not public, it will be removed from the request.

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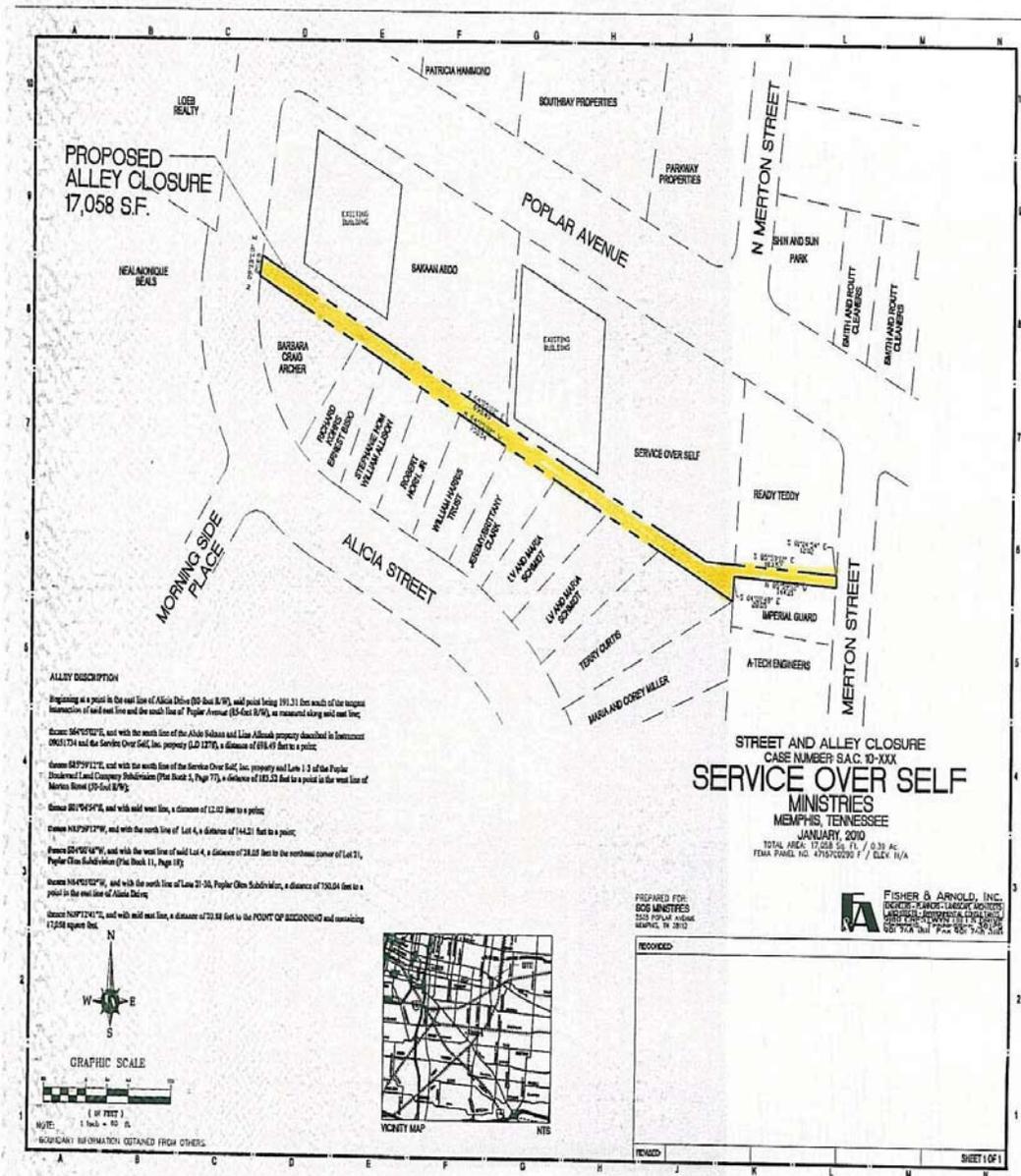


Land Use/Zoning Map

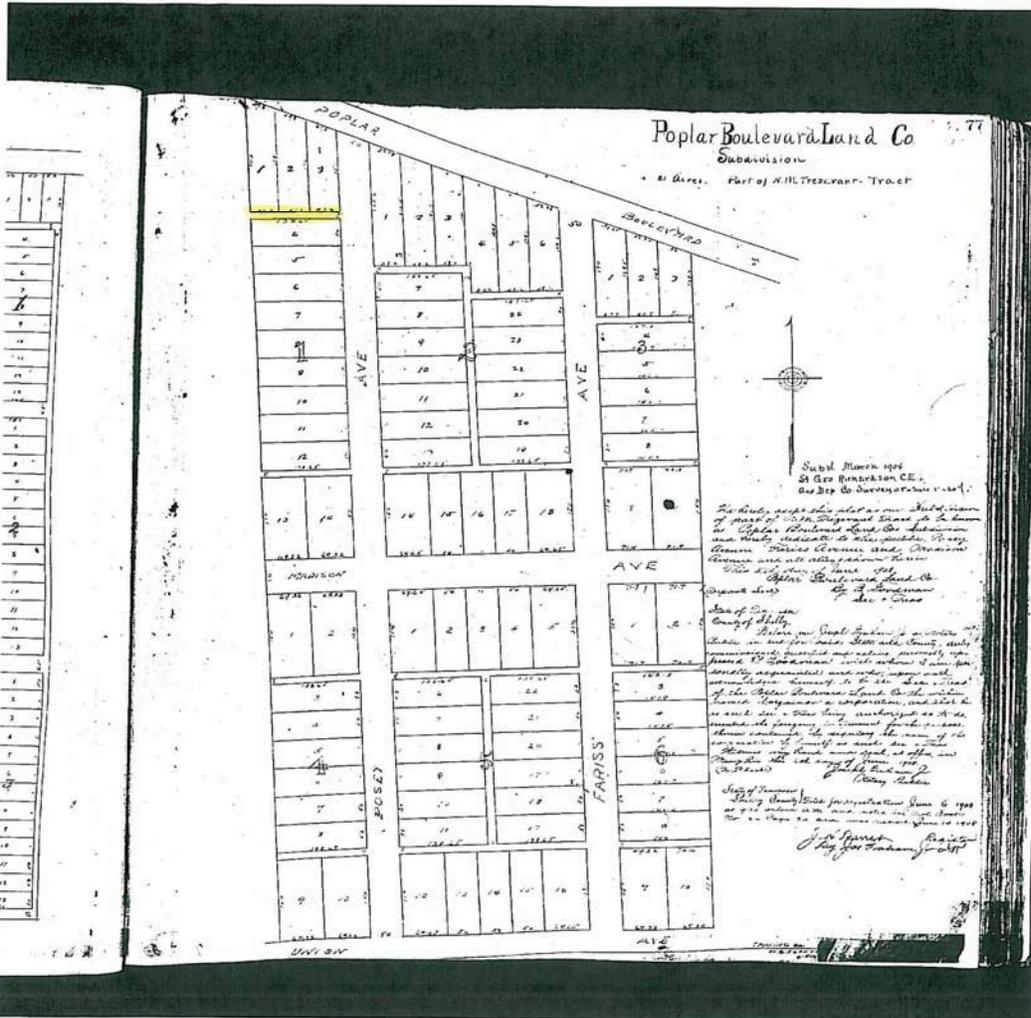


Aerial Photo of Alley Closing Area

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Proposed closing is highlighted in yellow.



Plat That Dedicated Portion Of Alley Behind Liquor Store

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Alley From Alicia Street Looking East

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Another View of Alley Looking East



It appears Service Over Self may have fenced the alley.



The alley begins at Alicia Street behind this antiques store on Poplar Avenue.

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The alley proceeds east from Alicia Street behind the Service Over Self Facility and continues east to intersect with Merton Street.

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This is a view of the alley from Merton Street. No physical alley area could be detected.

STAFF ANALYSIS

The subject alley is paved behind the antiques store and Service Over Self. It is also paved and used as part of an existing parking area for the 10-foot wide portion intersecting at Merton Street. While there is confirmation of the alley dedication behind the antiques store and the 10-foot wide portion, confirmation of a dedicated alley behind the Service Over Self Facility has not been verified to this point. The applicant has chosen to indicate the existence of an alley behind Service Over Self at this time, but this portion may be deleted from the request if it is confirmed no public alley exists here.

There is no objection to closing the alley. It does not provide access to adjoining residential properties that abut it and the abutting commercial properties have other means of existing public street access available by either Poplar Avenue, Alicia Drive, or Merton Street.

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 2 years of the conditional approval of the closure by the City Council.

GENERAL INFORMATION

Planning District: Midtown

Census Tract: 31

Zoning Atlas Page: 2035

DEPARTMENTAL COMMENTS:

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

City Engineer:

Street Closures:

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 received.

City Real Estate: No comments received.

City/County Health Department: The Water Quality Branch has no comments.

City Board of Education: No comment.

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 an existing electric distribution utility pole located at the west end of the alley and within the present public 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.
- **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 pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.

AT&T/Bell South: 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.

Great Meadows-Poplar Glen Neighborhood Association:

I suggest this application for Poplar Avenue Alley Closure (SAC 10-602) needs more work before being approved. Some things that I think deserve your attention:

1. The application is being made on behalf of "SOS Ministries and Mr. Sakaan Abdo". The latter is a mistake for Mr. Abdo Sakaan, i.e. Sakaan is the last name - - at least in records viewable on the Shelby County Register's website.
2. The sole letter of support, not "letters" as stated in the application, is from someone (the signature is indecipherable) at 2555 Poplar, across Merton Street on a different block from 2505 Poplar.
3. There is already a chain-link gate across the alley at the south-west corner of the building at 2505 Poplar; the gate's shadow is visible in the aerial photo on the Shelby County Register's website. For all intents and purposes there is no longer an alley between the east end of the 2505 Poplar parking lot and the west end of a driveway beside 75 N. Merton; it's been filled in.

SW-NRS