

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT # 5**

CASE NUMBER: SAC 07-610 **L.U.C.B. MEETING:** July 12, 2007
STREET NAME: Sunflower Avenue Closure
LOCATION: Beginning at the western terminus of T.M. Henderson Avenue
APPLICANT: North Memphis CDC
REPRESENTATIVE: Lorenzo Lester
REQUEST: Close & Vacate Alley Street Right-Of-Way
AREA: 3,489.49 Square Feet
LENGTH X WIDTH of R.O.W.: **120' x 33'/29'**
EXISTING LAND USE & ZONING: Street right-of-way ~ Mixed Use (MU) High & Density Residential (HDR) District

SURROUNDING LAND USE & ZONING:

North: Single family dwellings ~ High Density Residential (HDR) District
East: Vacant land and Caldwell Elementary ~ High Density Residential (HDR) District
South: Single family dwellings ~ High Density Residential (HDR) District
West: Vacant commercial building and vacant land ~ Mixed Use (MU) High Density Residential (HDR) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION
Approval with Conditions

Staff Writer: Carlos B. McCloud

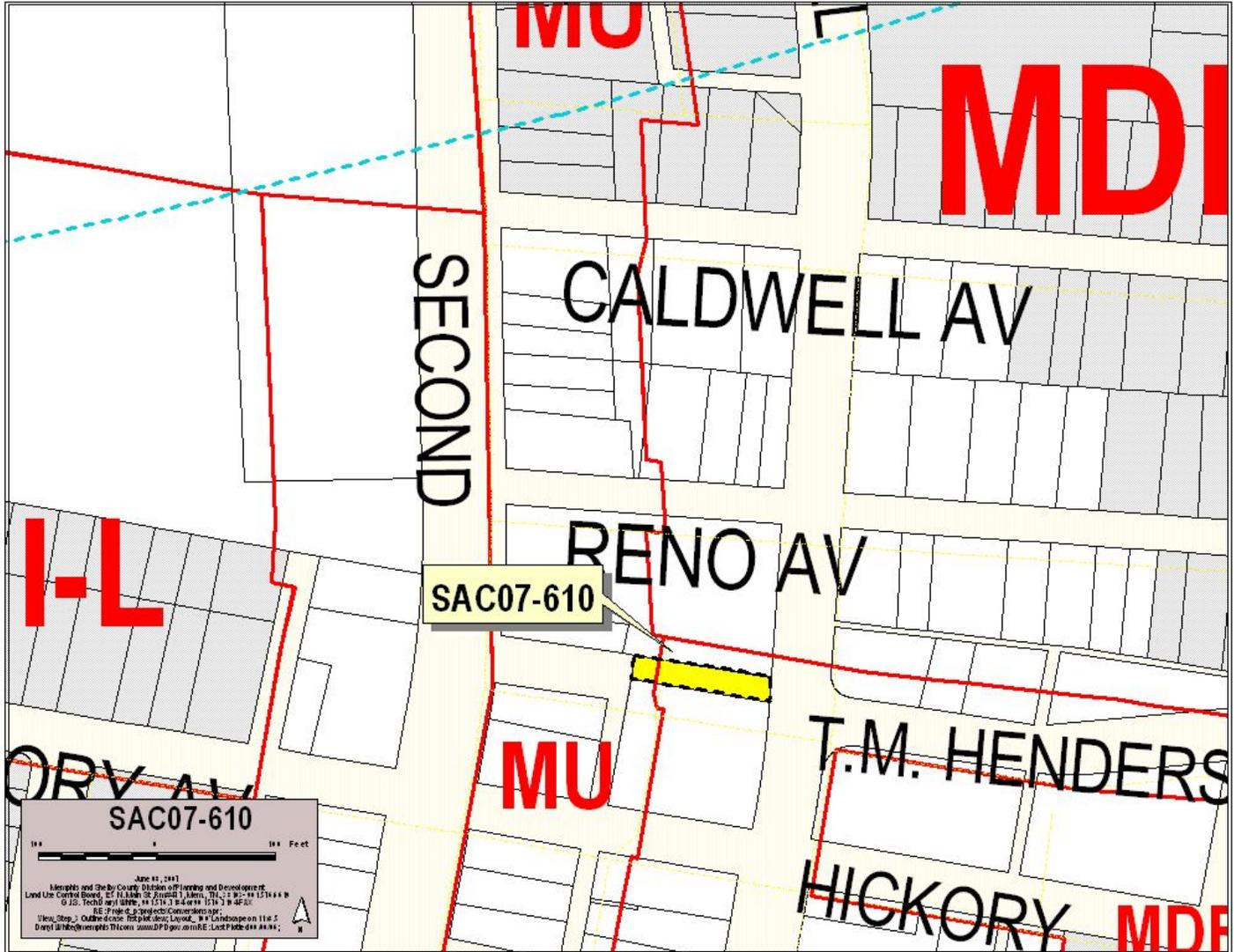
E-mail Address: carlos.mccloud@memphistn.gov

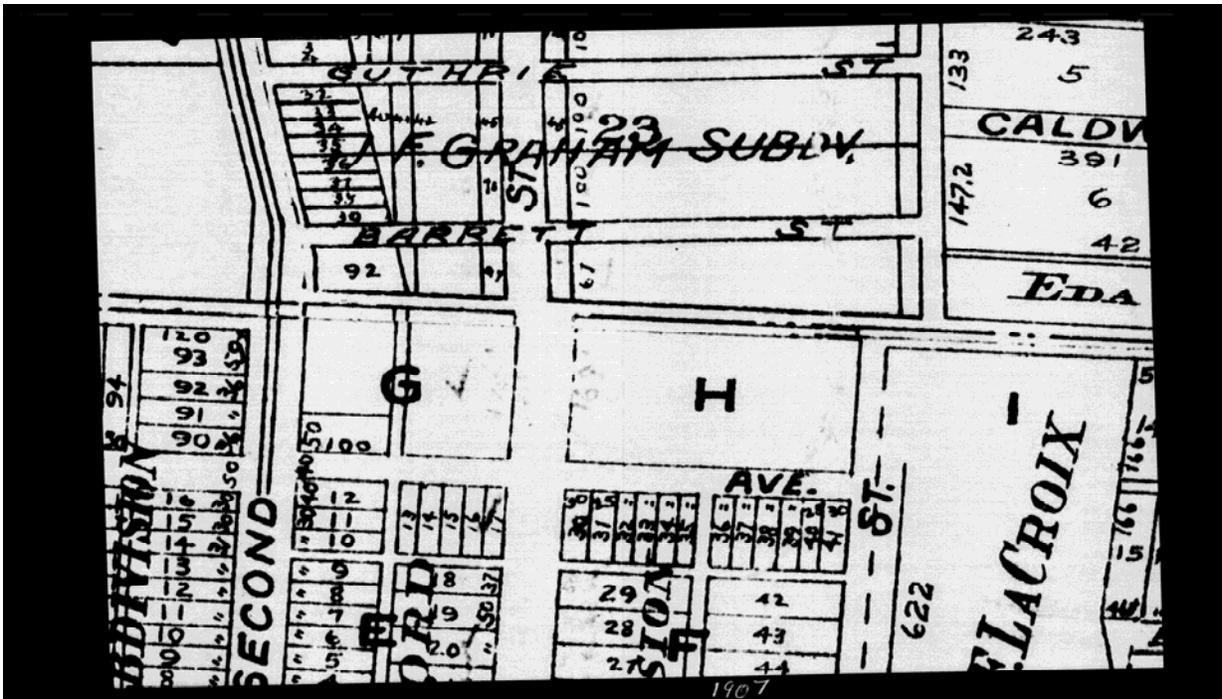
CONCLUSIONS

1. The subject property is located in the Downtown-Medical Center Planning District, beginning at the western terminus of T.M. Henderson Avenue. It is approximately twelve hundred (1,200) feet east of Second Street. The surrounding residential area is zoned in the Mixed Use (MU) and High Density Residential (HDR) District. As a result of the approval of **S 03-031 Sherill Subdivision** six (6) single family lots were approved. Condition #10 required the property owner to close this section Sunflower Avenue. Sunflower Avenue was recommended to be closed in an effort to gain enough property to orient **Lots 1 - 3** to North Third Street.

This right-of-way was dedicated as a result of the Plan of Bickford which originated around the late 1800's, consisting of block "G" and block "H" on the Plan of Bickford.

2. Sunflower Avenue has twenty nine (29') feet of width and extends westwardly approximately one hundred and twenty (120') feet. It has three thousand four hundred and eighty nine (3,489) square feet of closure area. Sunflower Avenue starts at N. Second Street and extends to N. Third Street where it connects with the beginning of T.M. Henderson Avenue. Although Sunflower Avenue west of N. Third Street has twenty nine (29') feet of right-of-way, T.M. Henderson Avenue has forty three (43') feet of right-of-way. At one time Sunflower Avenue existed as an alley and did not extend past N. Third Street. This street has recently been extended within the last ten (10) years. Currently this is an under utilized roadway. The majority of the vehicular traffic in this area utilizes Hickory Avenue, which is the adjacent roadway to the south of these sites. Due the narrowness of Sunflower Avenue vehicles travel Hickory Avenue to T.M. Henderson Avenue to access Caldwell Elementary.





STAFF ANALYSIS

Site Area Description:

The subject property is located in the Downtown-Medical Center Planning District, beginning at the western terminus of T.M. Henderson Avenue. It is approximately twelve hundred (1,200) feet east of Second Street. The surrounding residential area is zoned in the Mixed Use (MU) and High Density Residential (HDR) District. As a result of the approval of **S 03-031 Sherill Subdivision** six (6) single family lots were approved. Condition #10 required the property owner to close this section Sunflower Avenue. Sunflower Avenue was recommended to be closed in an effort to gain enough property to orient **Lots 1 - 3** to North Third Street.

This right-of-way was dedicated as a as a result of the Plan of Bickford which originated around the late 1800's, consisting of block "G" and block "H" on the Plan of Bickford.

Street/Alley Characteristics:

Sunflower Avenue has twenty nine (29') feet of width and extending westwardly approximately one hundred and twenty (120') feet. It has three thousand four hundred and eighty nine (3,489) square feet of closure area. Sunflower Avenue starts at N. Second Street and extends to N. Third Street where it connects with the beginning of T.M. Henderson Avenue. Although Sunflower Avenue west of N. Third Street has twenty nine (29') feet of right-of-way, T.M. Henderson Avenue has forty three (43') feet of right-of-way. At one time Sunflower Avenue existed as an alley and did not extend past N. Third Street. This street has recently been extended within the last ten (10) years. Currently this is an under utilized roadway. The majority of the vehicular traffic in this area utilizes Hickory Avenue, which is the adjacent roadway to the south of these sites. Due the narrowness of Sunflower Avenue vehicles travel Hickory Avenue to T.M. Henderson Avenue to access Caldwell Elementary.

This street closure will not negatively impact the adjacent property owners because of the lack of utilization. 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:	North Memphis
Census Tract:	42
Municipal Annexation Reserve Area:	Memphis City Limits
Zoning Atlas Page:	1930

DEPARTMENTAL COMMENTS:

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

City Engineer:

City Fire Division:	No comments received.
City Real Estate:	No comments received.
City/County Health Department:	No comment.
City Board of Education:	No impact.
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 comments:

- 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.
- 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 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.
- **Landscaping 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.
- **Fire Protection Water Services:** 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.
- It is the responsibility of the owner/applicant to contact MLGW - **Water Engineering** @ 528-4720 to obtain fire protection/water flow information.
 - All residential and commercial developments should 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
- The owner/applicant will be responsible for the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.
- To determine if system improvements may be required, please contact the appropriate MLGW engineering area:
 - MLGW Engineering - **Residential Development:** 528.4858
 - MLGW Engineering - **Commercial Development:** 367.3343

Bell South / Millington Telephone:

[AT&T has existing aerial facilities within the right-of-way of this street. AT&T will require a perpetual utility easement in order to have access to and maintain these facilities.](#)

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

OPD-Regional Services:

This application was reviewed by the MPO staff/Department of Regional Services on June 27, 2007. The MPO staff has determined that the proposed actions as submitted in this application will have no affect on the MPO Long Range Transportation Plan, Transportation Improvement Program, or any other plan, document, program or initiative of this department/organization

OPD-Plans Development:

No comment.

Bickford:

No comment.

N. Mphs. Civic:

No comment.

Downtown N.A.:

No comment.

Harbortown H.A.:

No comment.

SW-CMc