

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT**  
**STAFF REPORT** # 1

**CASE NUMBER:** SAC 10-608      **L.U.C.B. MEETING:** December 9, 2010

**STREET NAME:** Madison Alley Closure

**LOCATION:** Beginning 152 feet north of the north side of Madison Ave. and  $\pm$  180 ft. east of N. Bellevue Blvd. between Madison Ave. and Court Ave. extending 230 feet eastward.

**COUNCIL DISTRICT:** 7

**SUPER DISTRICT:** 8

**APPLICANT:** The Embroidery Company/ E. F. Spikner

**REPRESENTATIVE:** The Reaves Firm

**REQUEST:** Close & Vacate Alley Street Right-Of-Way

**AREA:** 3,220 square feet

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION**

Approval

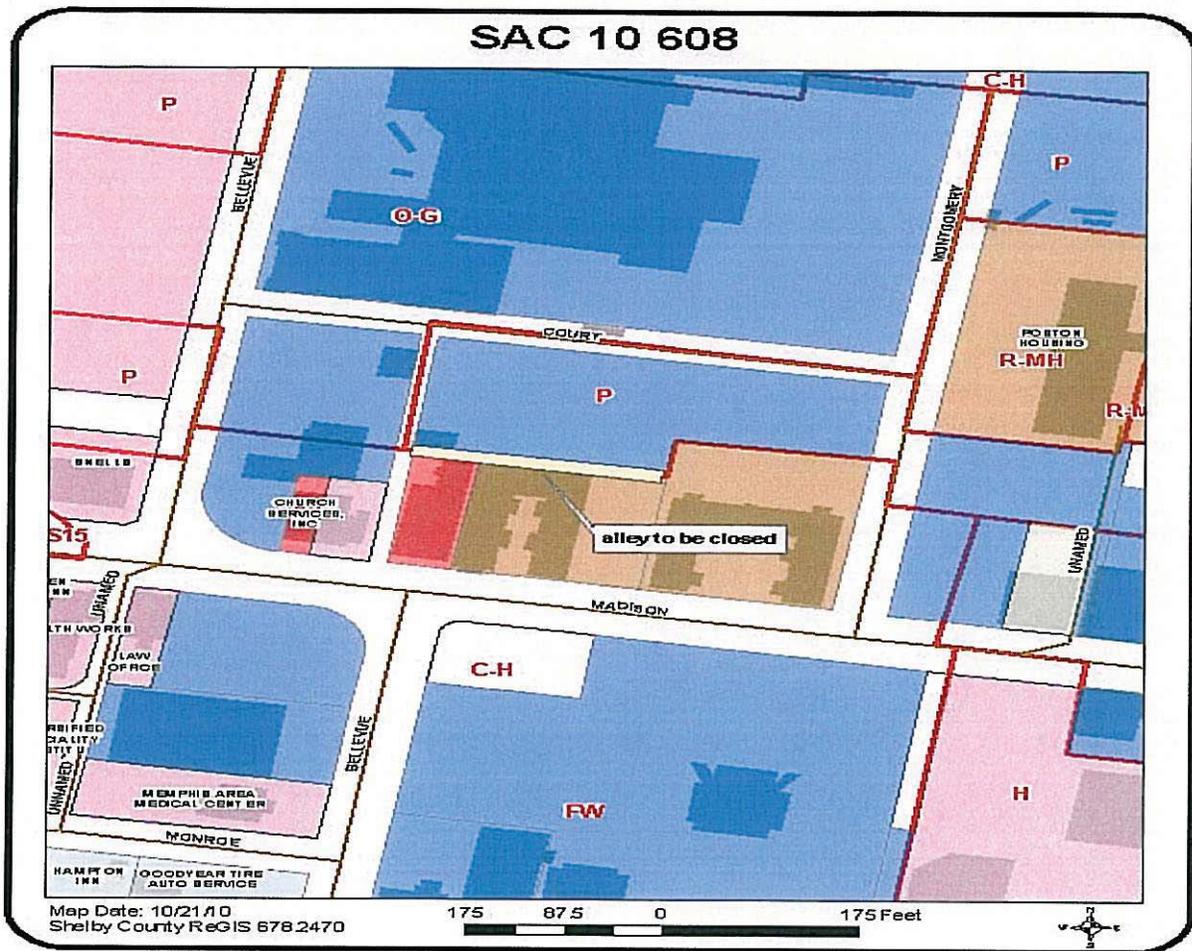
**CONCLUSIONS**

The subject alley was established in 1904 by the Pickney Latham Subdivision, prior to the construction of the buildings that currently surround it. The alley is approximately 230 feet in length and 14 feet wide comprising a total of approximately 3,220 sq ft. The alley traverses the rear property lines of three parcels, to include the parcel owned by the applicant; all three property owners are in agreement with this proposed closure.

It is reasonable to deduce that this alley was originally created to provide access for service entry and exit, primarily trash pick-up, for Court Avenue to the north and Madison Avenue to the south. However, the alley is not accessible from Bellevue Boulevard to the west or Montgomery to the east which hinders the usefulness of the alley because of limited access. Currently access to the subject alley is only available from Madison Avenue and does not have a dedicated area for vehicular "turn around"; this alley does not function to serve its intended purpose of being a service entry and exit.

It is unforeseeable that this alley would be valuable as a public right-of-way and should be closed.

### LAND USE & ZONING MAP



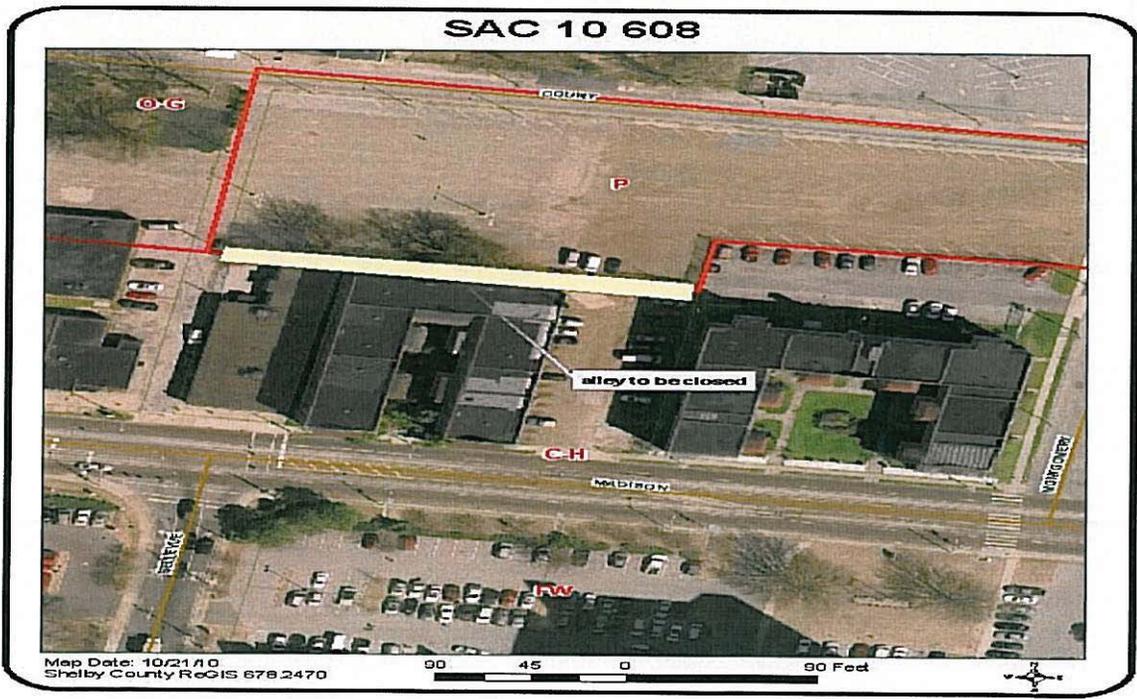
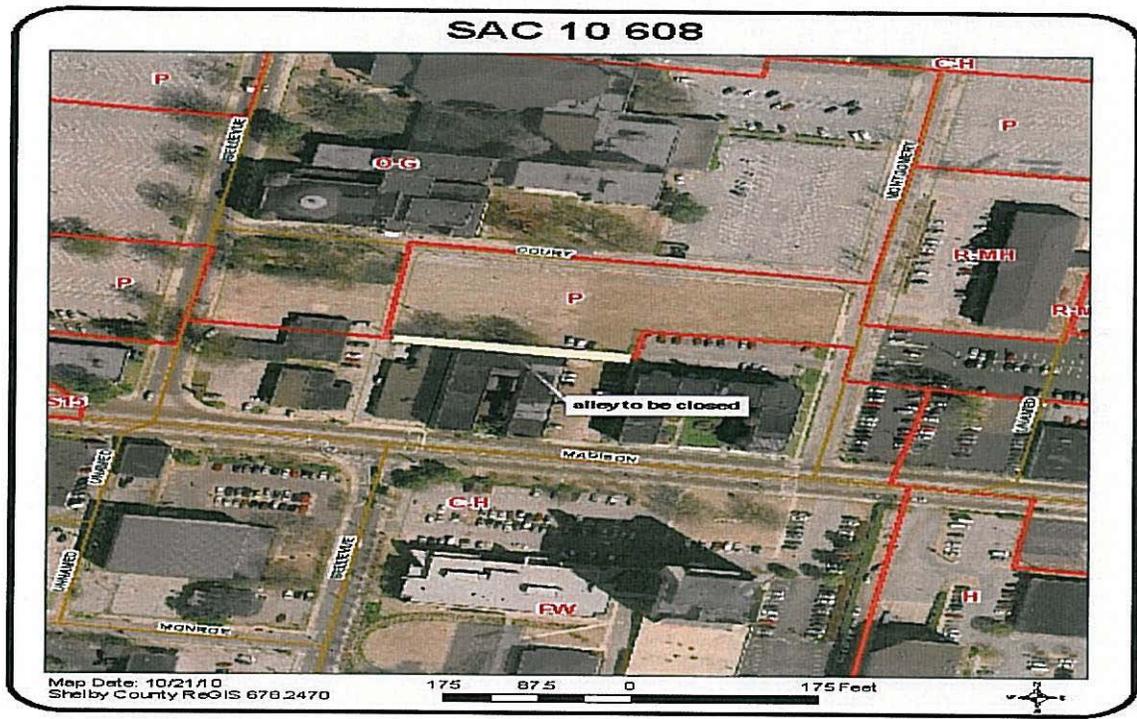
#### SURROUNDING LAND USE & ZONING:

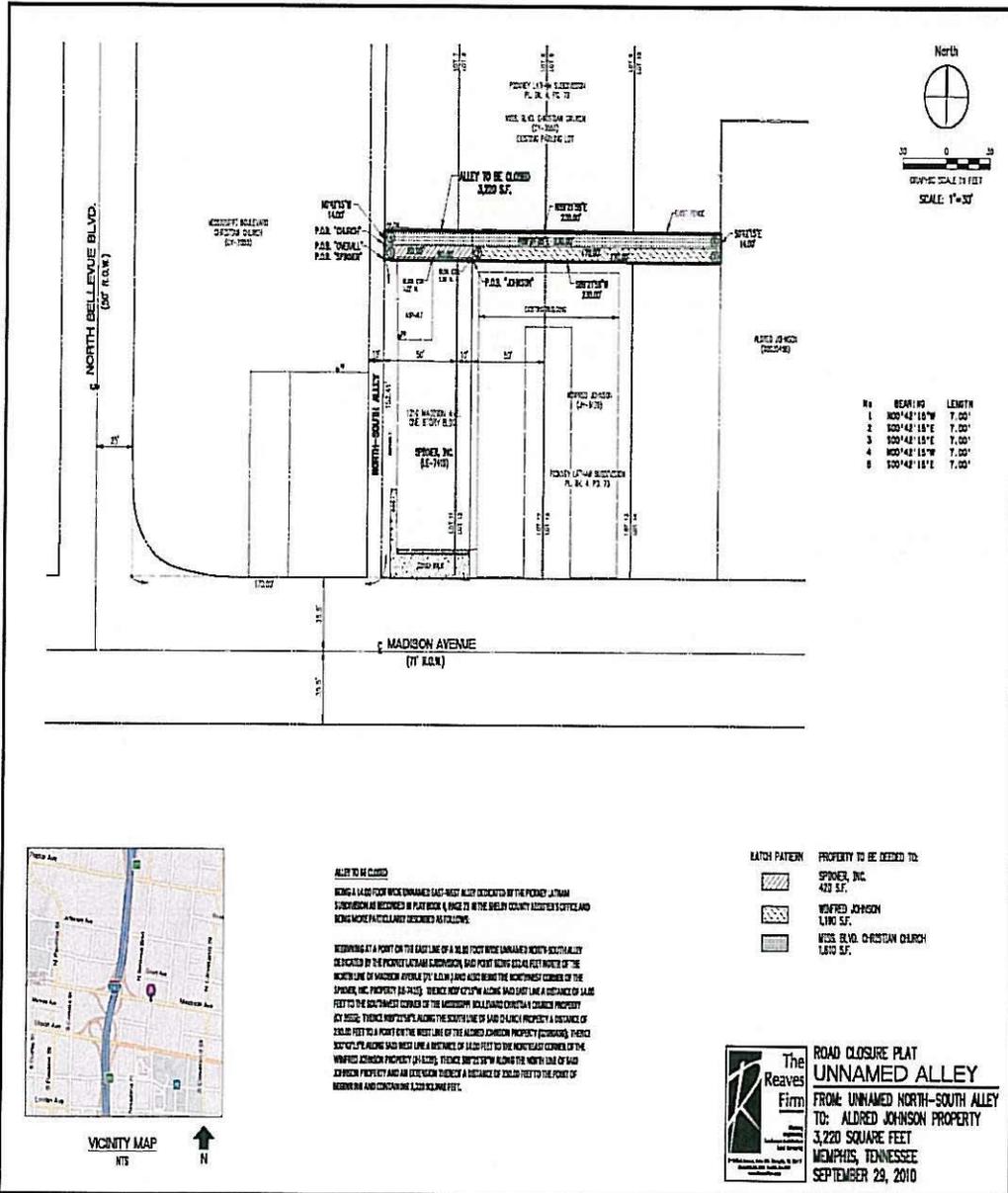
**North:** Parking lot within the Parking Zoning District

**East:** Multiple Residential within the CP Zoning District

**South:** Southern School of Optometry within the C-H District

**West:** Retail Book Store within the C-H (Highway Commercial) District

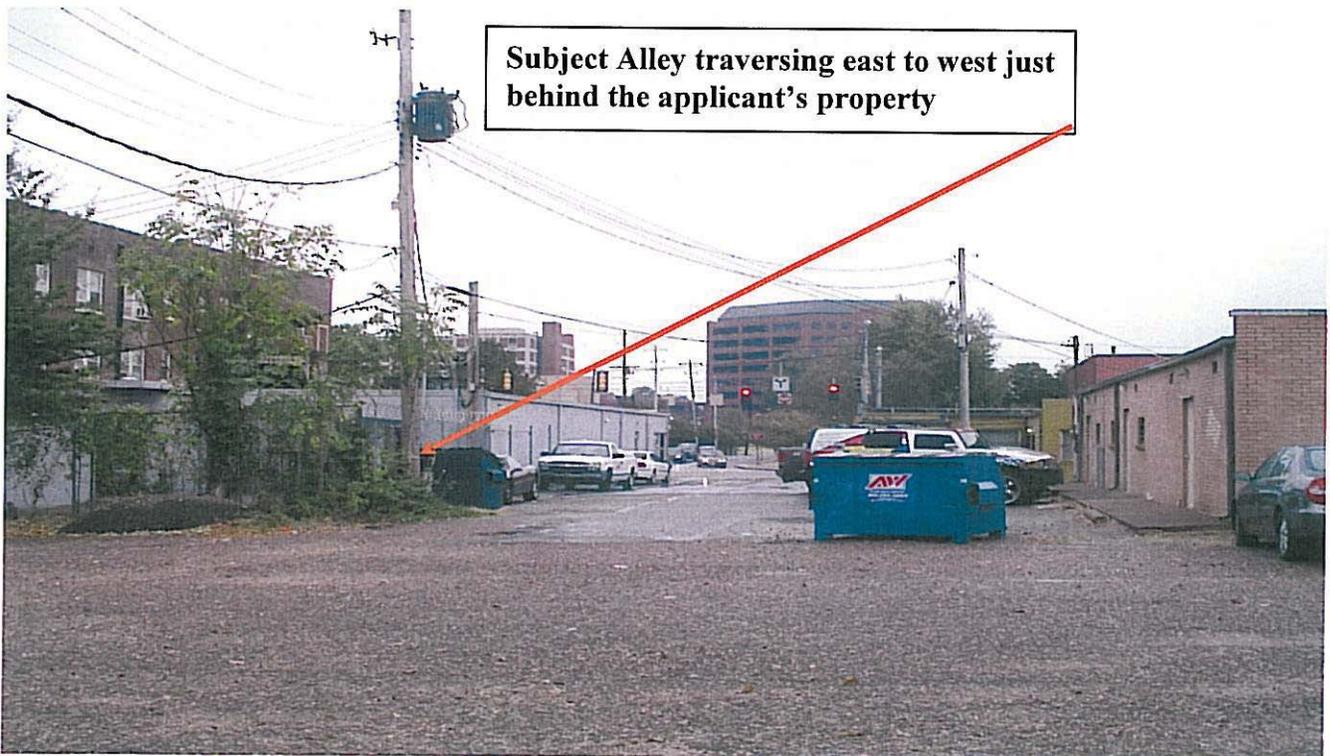


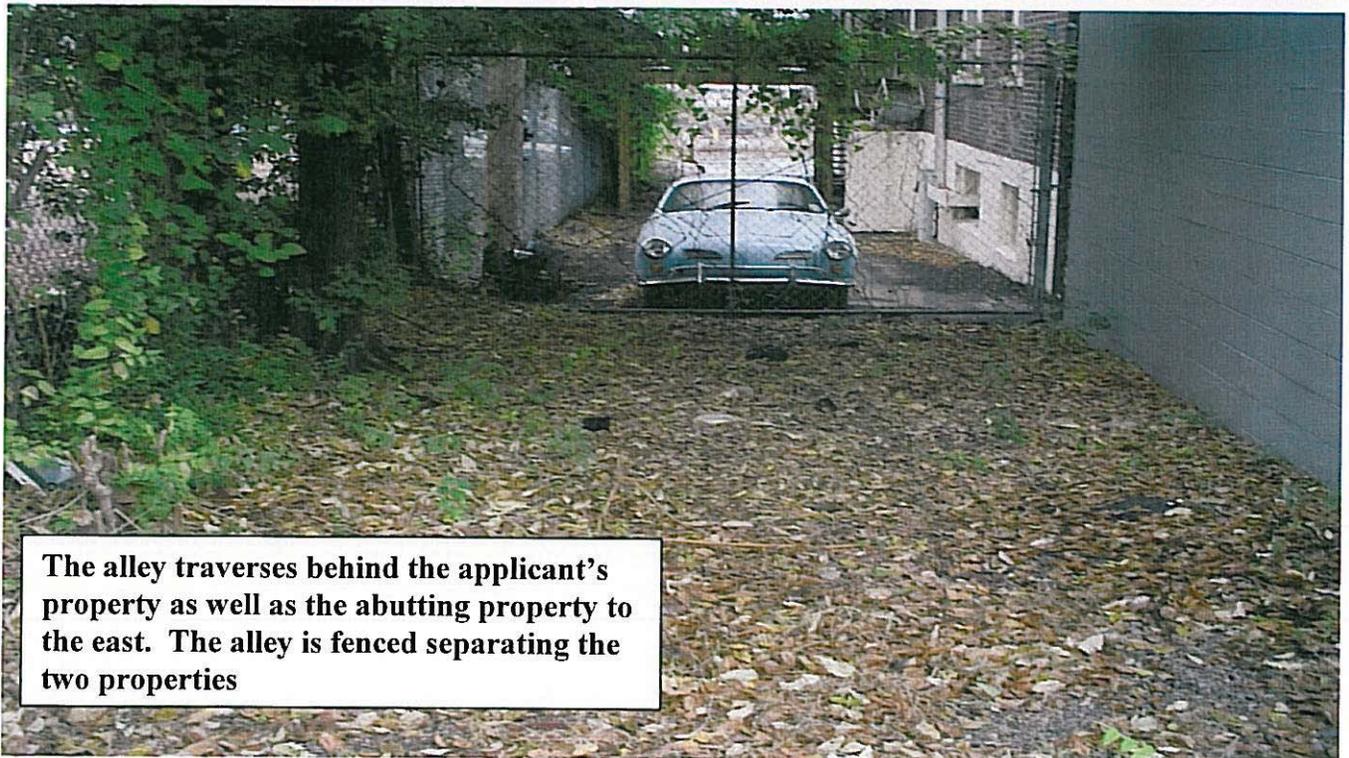
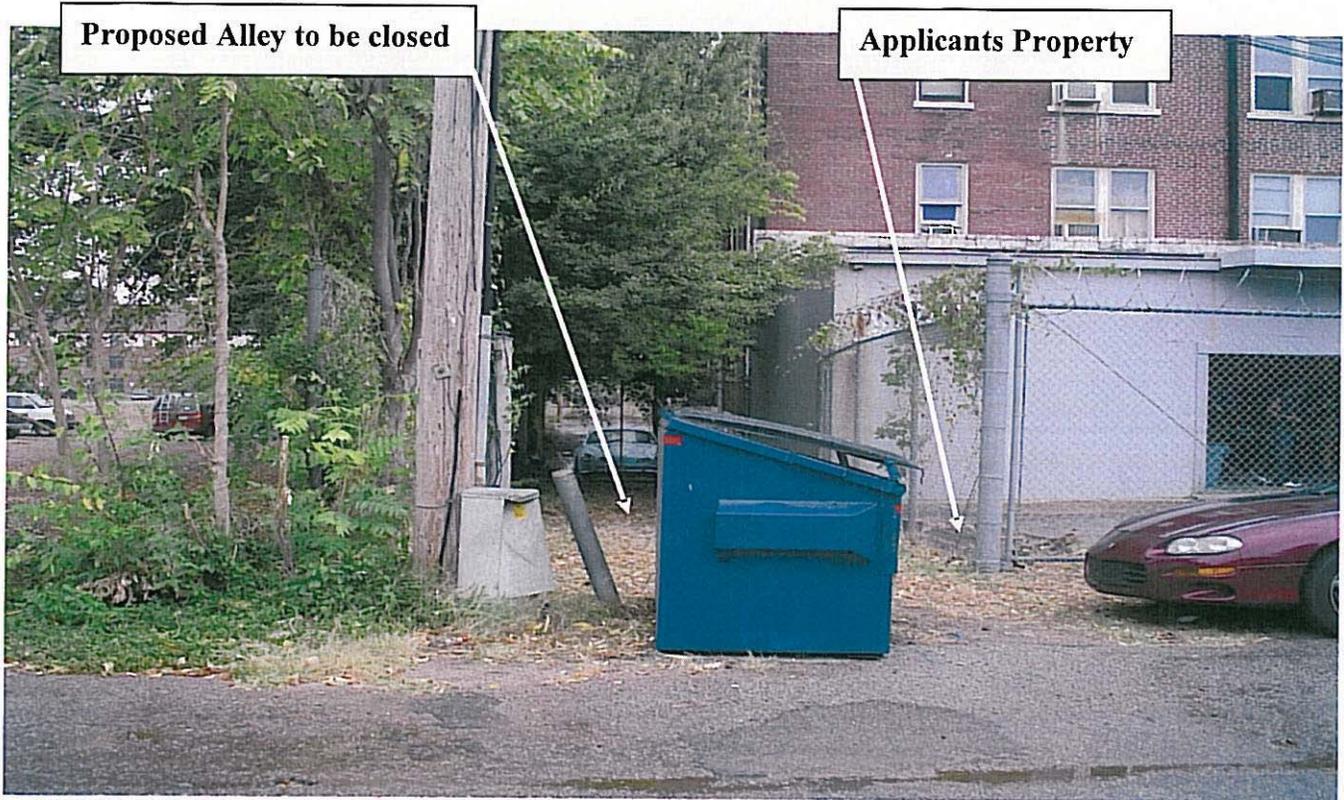


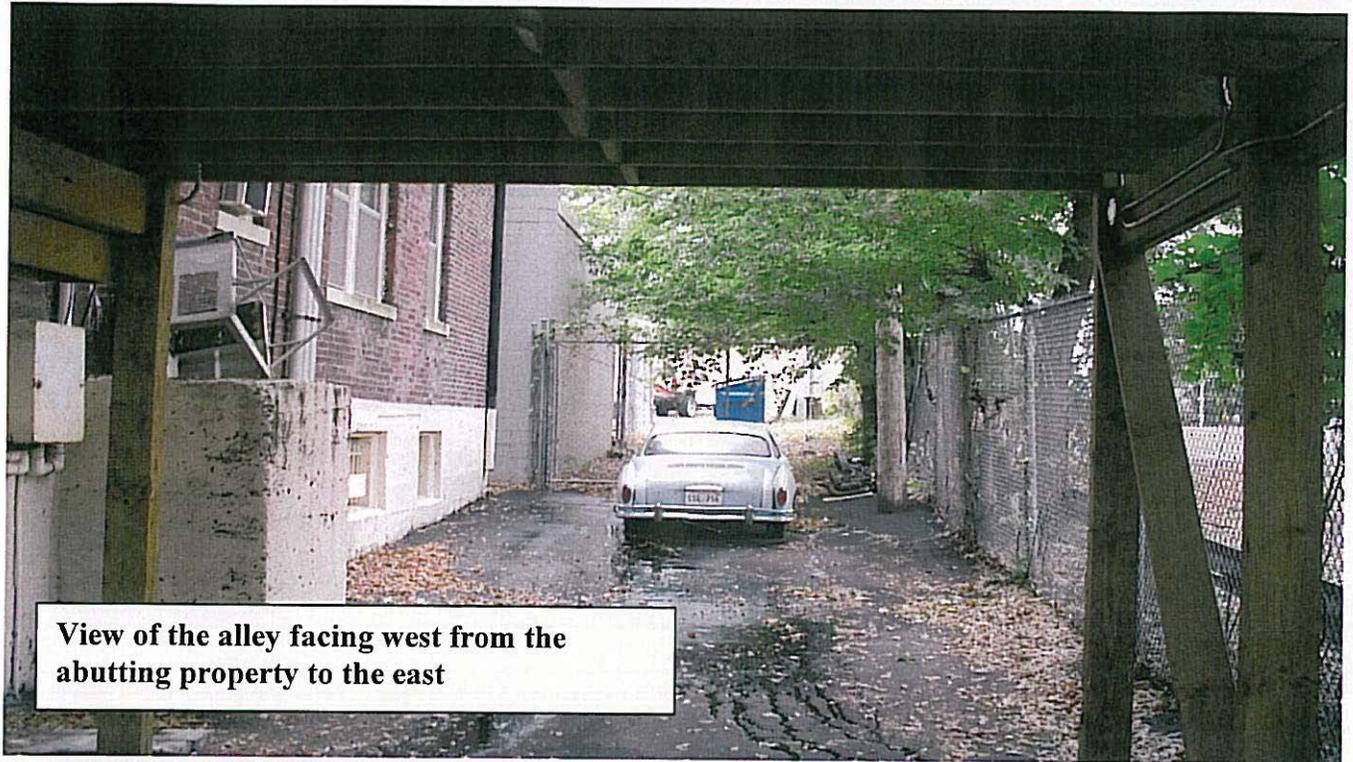
**Applicant's Property fronting on Madison Avenue**



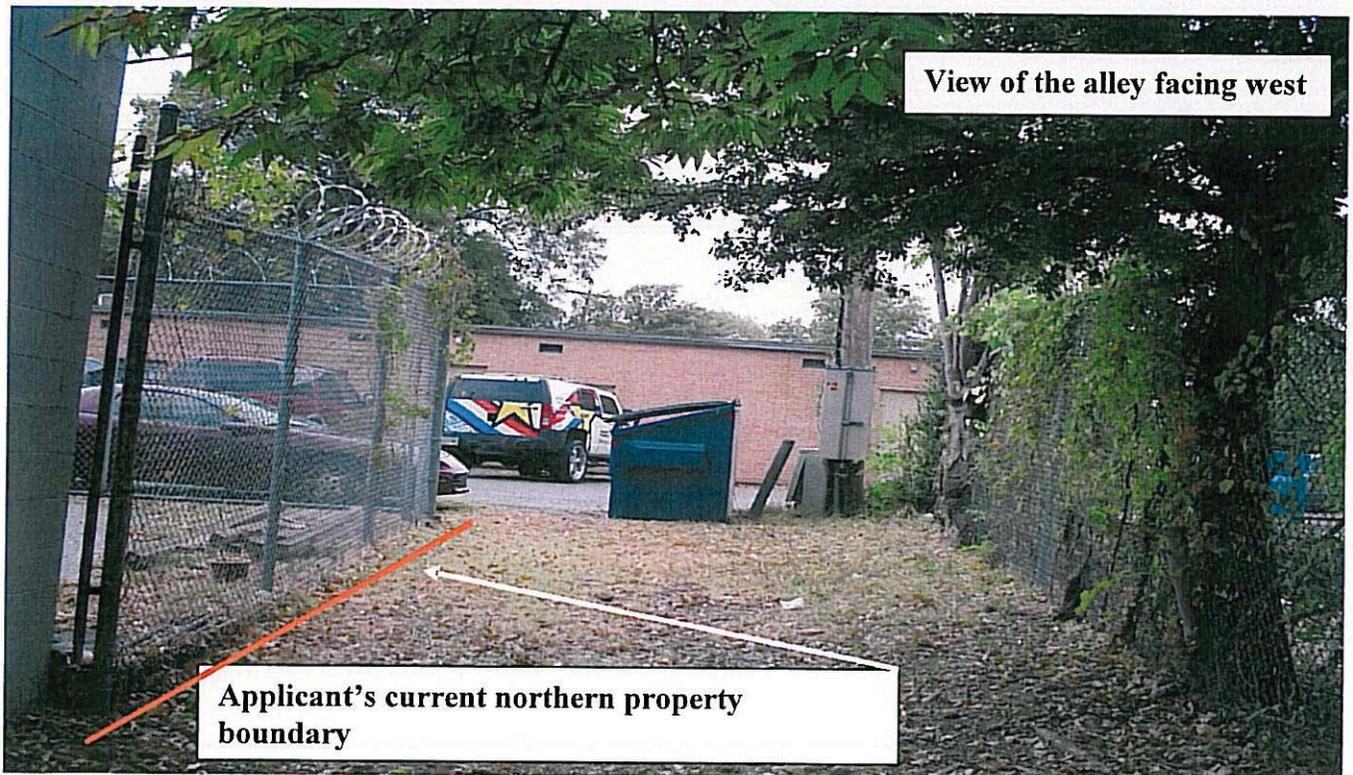
**Subject Alley traversing east to west just behind the applicant's property**







**View of the alley facing west from the abutting property to the east**



**View of the alley facing west**

**Applicant's current northern property boundary**

## **STAFF ANALYSIS**

The subject alley was created in 1904 by the Pickney Latham Subdivision; the lots were originally smaller than the lots present today. Most of the lot sizes were 150 x 60 which suggest that they were probably envisioned as residential uses. However, the area surrounding the subject alley is predominantly commercial in character; to the north of the alley is Mississippi Boulevard Church (parking lot) and to the south is a medical office and an embroidery company (applicant) and a 2-story apartment building.

Currently this alley does not serve as a service entry, nor does it serve a purpose as a public right-of-way. Furthermore, since this alley does not offer access from its east and west points, Montgomery and Bellevue respectively, it is reasonable to suggest that this alley will not be considered for any future public use.

## **RECOMMENDATION**

Approval

## GENERAL INFORMATION

<b>Planning District:</b>	Midtown
<b>Census Tract:</b>	36
<b>Municipal Annexation Reserve Area:</b>	Not Applicable. Annexed by Memphis on
<b>Zoning Atlas Page:</b>	2030

## DEPARTMENTAL COMMENTS:

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

### City Engineer:

#### Street Closures:

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 365 days of the conditional approval of the closure by the City Council.

<b>County Engineer:</b>	No comments received.
<b>City Fire Division:</b>	No concerns.
<b>County Fire Department:</b>	No comments received.
<b>City Real Estate:</b>	No comments received.
<b>County Real Estate:</b>	No comments received.

**City/County Health Department:** The Water Quality Branch & Septic Tank Program have no comments.

**City Board of Education:** No comments.

**County Board of Education:** No comments received.

**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.
- 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 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 comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- **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**

**Bell South / Millington Telephone:** No comments received.

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

**OPD-Regional Services:** No comments received.

<b>OPD-Plans Development:</b>	No comments received.
<b>Park Services Division:</b>	No comments received.
<b>County Conservation Board:</b>	No comments received.
<b>County Sheriff:</b>	No comments received.
<b>City of _____:</b>	No comments received.
<b>31<sup>st</sup> Ward Civic Club:</b>	No comments received.
<b>New Pathways:</b>	No comments received.