

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

CASE NUMBER: SAC 10-605 **L.U.C.B. MEETING:** September 9, 2010

STREET NAME: Lamar Avenue Alley Closure

LOCATION: Beginning at the alley between Kyle Street and Lamar Avenue

COUNCIL DISTRICT: 4

SUPER DISTRICT: 9

APPLICANT: Sertsu Woldelibanos

REPRESENTATIVE: Jerry Johnson

REQUEST: Close & Vacate Alley Right-Of-Way

AREA: Approx. 1975 sqft.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Approval

CONCLUSIONS

The subject alley has not been used for approximately 30 years; it has been filled with dirt and does not offer any reasonable accessibility. The alley is approximately 123 feet in length and traverses the rear property line of one commercial parcel fronting on Lamar Avenue and three residential properties fronting on Vesey Street.

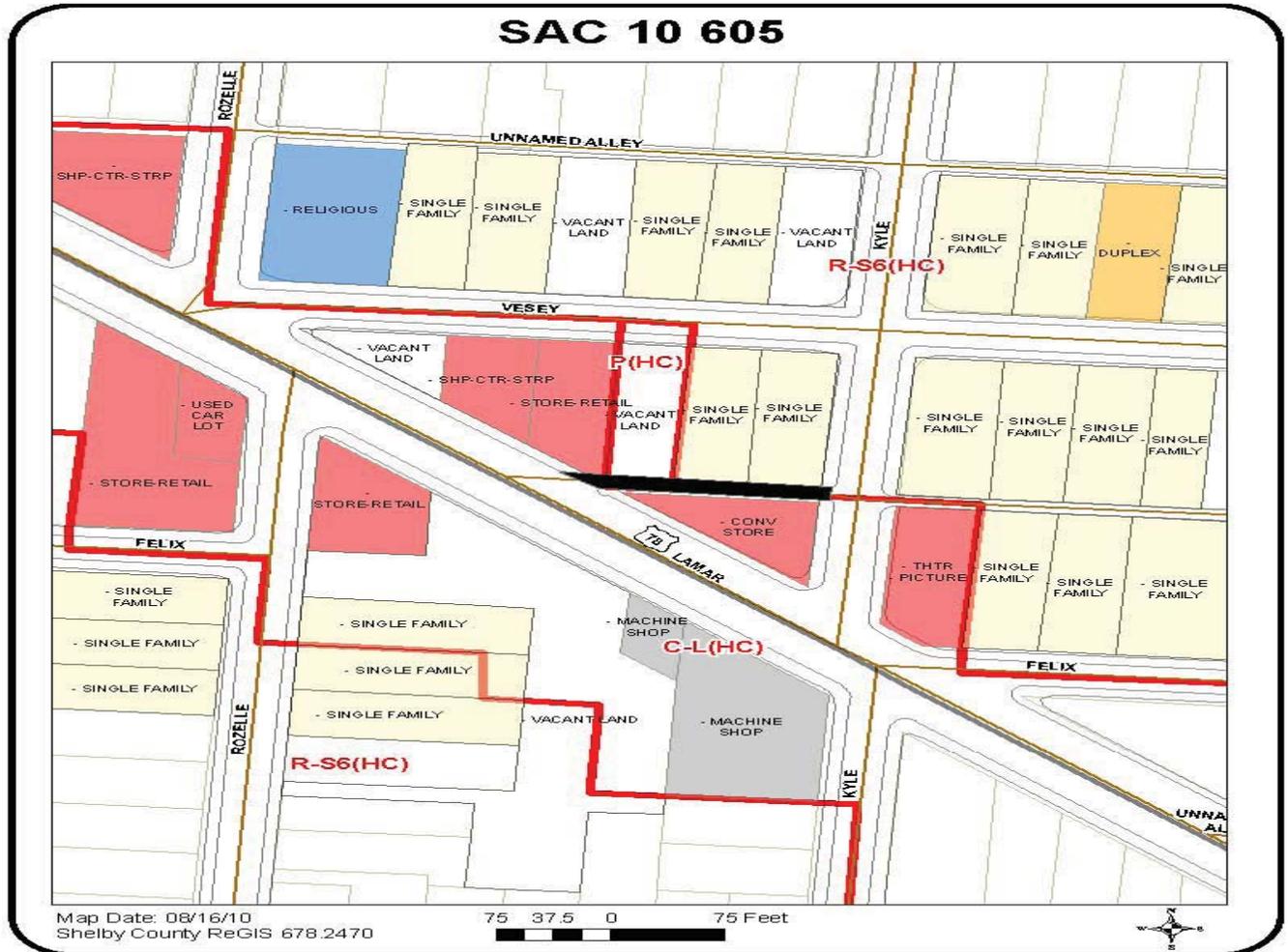
None of the properties that abut the subject alley have access to the alley and it is not being used to facilitate public services.

The applicant owns the commercial property that fronts on Lamar and abuts the alley to the south; this proposed alley closure will help to address security issues caused by access from the alley. In addition, this alley closure may also offer additional operating space for the applicant's existing commercial business.

Staff Writer: Gregory Love

Email Address: gregory.love@memphistn.gov

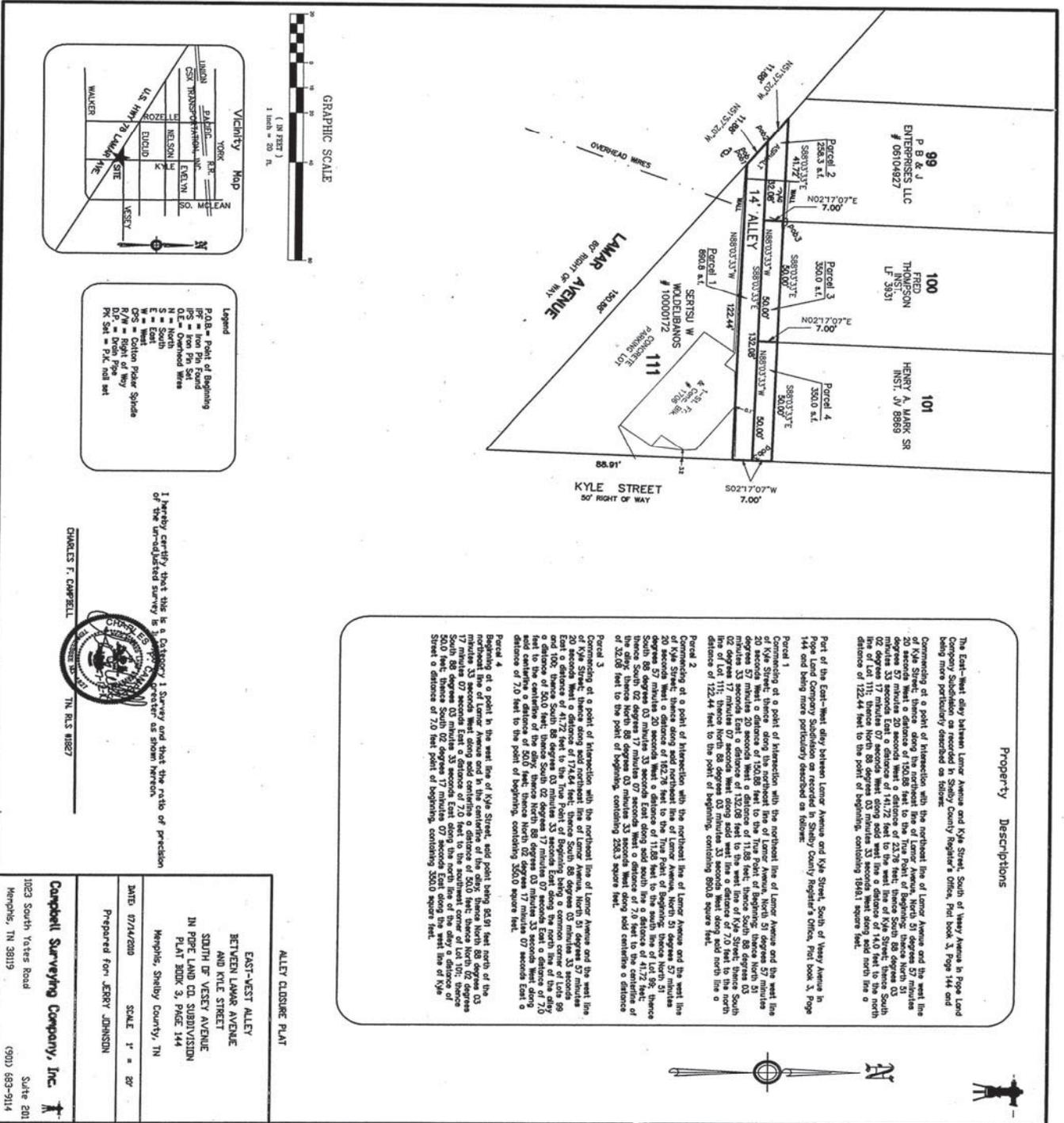
LAND USE & ZONING MAP



SURROUNDING LAND USE & ZONING:

- North:** Single-Family Residential within the R-S6 (HC) (Single Family Residential, Historic Conservation) District
- East:** Immediately east is an abandoned theater with the predominant land use being Single-Family Residential within the R-S6 (Residential Single Family) District
- South:** Commercial uses within the C-L (HC) (Local Commercial, Historic Conservation) District
- West:** Commercial uses within the C-L (HC) (Local Commercial, Historic Conservation) District





Property Descriptions

The East-West alley between Lamar Avenue and Kyle Street, South of Vesey Avenue in Pope Land being more particularly as recorded in Shelby County Register's Office, Plat book 3, Page 144 and being more particularly described as follows:

Commencing at a point of intersection with the northeast line of Lamar Avenue and the west line of Kyle Street, thence along the northeast line of Lamar Avenue, North 51 degrees 57 minutes 20 seconds West a distance of 150.08 feet to the True Point of Beginning, thence North 51 degrees 57 minutes 20 seconds West a distance of 11.88 feet, thence South 88 degrees 03 minutes 02 seconds East a distance of 141.72 feet to the west line of Kyle Street, thence South 02 degrees 17 minutes 07 seconds West along said west line a distance of 41.72 feet to the north line of Lot 111, thence North 88 degrees 03 minutes 33 seconds West along said north line a distance of 122.44 feet to the point of beginning, containing 890.0 square feet.

Parcel 2
Commencing at a point of intersection with the northeast line of Lamar Avenue and the west line of Kyle Street, thence along said northeast line of Lamar Avenue, North 51 degrees 57 minutes 20 seconds West a distance of 150.08 feet to the True Point of Beginning, thence North 51 degrees 57 minutes 20 seconds West a distance of 11.88 feet, thence South 88 degrees 03 minutes 02 seconds East a distance of 141.72 feet to the west line of Kyle Street, thence South 02 degrees 17 minutes 07 seconds West along said west line a distance of 41.72 feet to the north line of Lot 111, thence North 88 degrees 03 minutes 33 seconds West along said north line a distance of 122.44 feet to the point of beginning, containing 890.0 square feet.

Parcel 3
Commencing at a point of intersection with the northeast line of Lamar Avenue and the west line of Kyle Street, thence along said northeast line of Lamar Avenue, North 51 degrees 57 minutes 20 seconds West a distance of 150.08 feet, thence South 88 degrees 03 minutes 33 seconds East a distance of 141.72 feet, thence South 02 degrees 17 minutes 07 seconds West along said west line a distance of 41.72 feet to the north line of Lot 111, thence North 88 degrees 03 minutes 33 seconds West along said north line a distance of 122.44 feet to the point of beginning, containing 890.0 square feet.

Parcel 4
Beginning at a point in the west line of Kyle Street, said point being 85.91 feet north of the northeast line of Lamar Avenue and in the centerline of the alley, thence North 88 degrees 03 minutes 33 seconds West along said centerline a distance of 50.0 feet, thence North 02 degrees 17 minutes 07 seconds West along said west line a distance of 41.72 feet to the north line of Lot 111, thence South 02 degrees 17 minutes 07 seconds East along the west line of Kyle Street a distance of 7.0 feet to the point of beginning, containing 350.0 square feet.

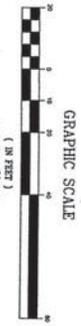
ALLEY CLOSURE PLAT

EAST-WEST ALLEY BETWEEN LAMAR AVENUE AND KYLE STREET SOUTH OF VESSEY AVENUE IN POPE LAND CO. SUBDIVISION PLAT BOOK 3, PAGE 144 Memphis, Shelby County, TN	
DATED: 07/14/2010	SCALE: 1" = 20'
Prepared for: HENRY JOHNSON	
Campbell Surveying Company, Inc. 1023 South Yates Road Memphis, TN 38119	
Safe: 201 (901) 683-9114	

CHARLES F. CAMPBELL
T.N. R.L.S. 81827

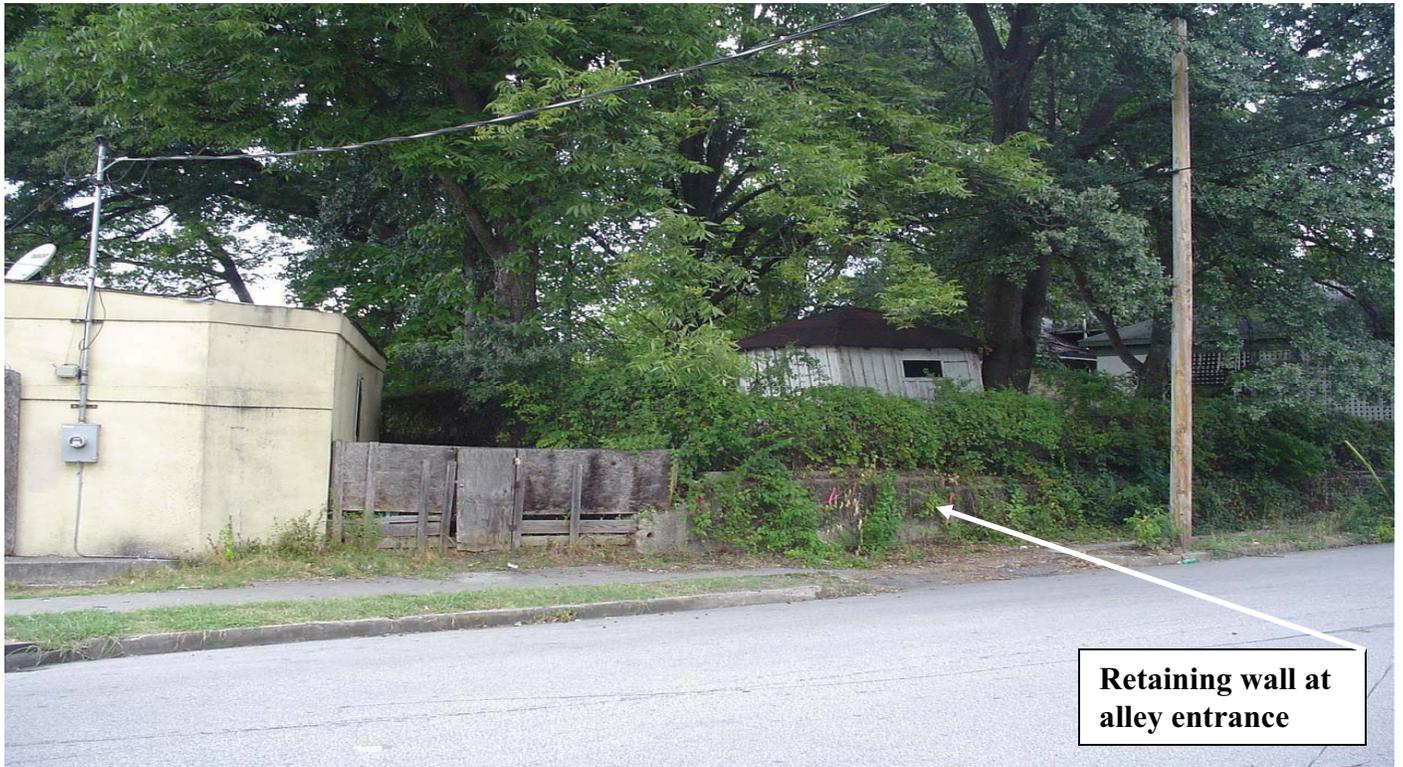


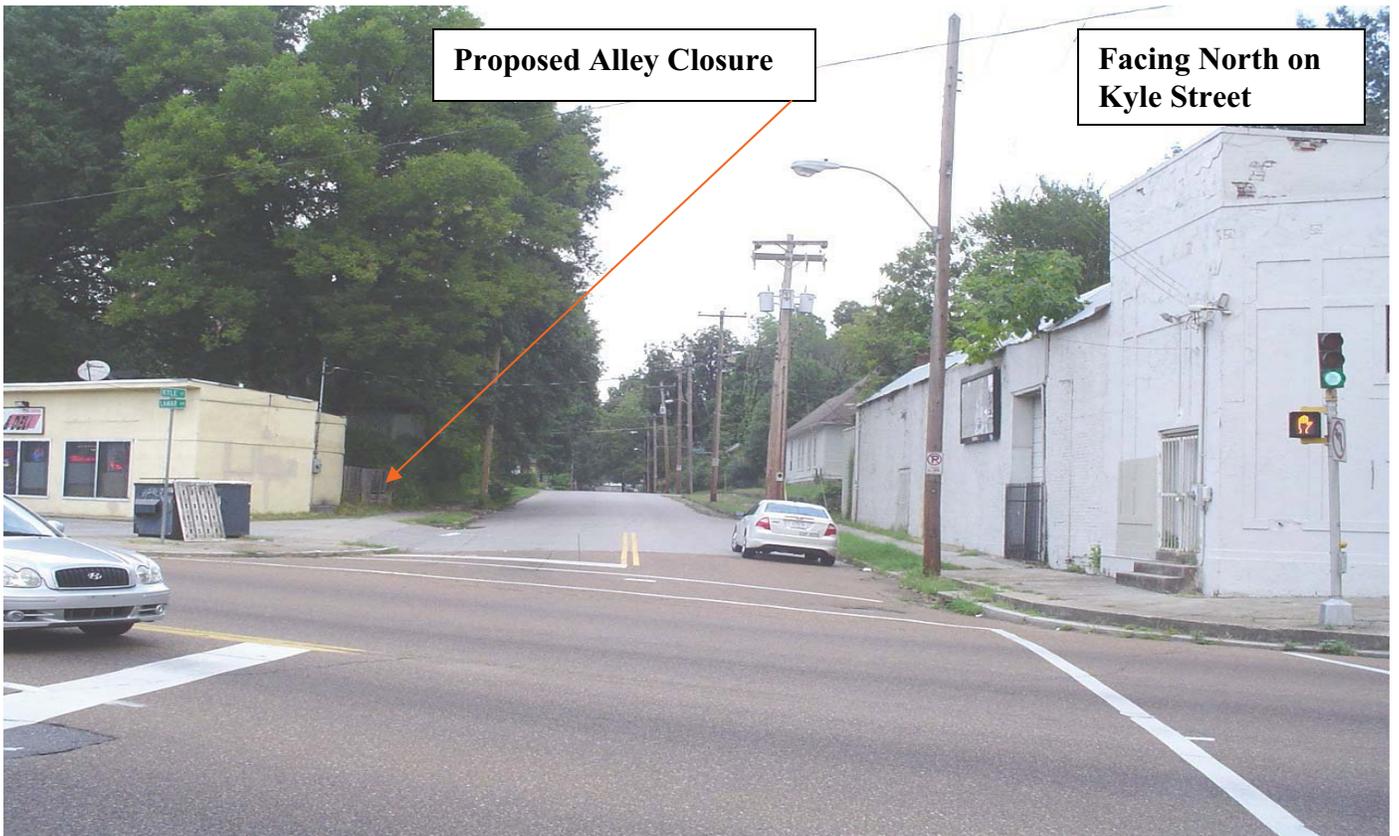
I hereby certify that this is a Category 1 Survey and that the ratio of precision of the unadjusted survey is a greater as shown herein.



- Legend
- P.B. = Part of Beginning
 - P.F. = Iron Pin Found
 - I.P.S. = Iron Pin Set
 - O.L. = Overhead Wire
 - S = South
 - E = East
 - CS = Center Point of Spindle
 - R/W = Right of Way
 - DP = Iron Pin
 - PK Set = P.C. not set







STAFF ANALYSIS

The subject site is an abandoned alley that is overgrown and has not been in use for some time. In fact, there seems to be at least one mature tree situated in the middle of what would be the alley. The alley does not offer vehicular accessibility, and is filled with dirt.

The alley traverses the rear property line of three single family residences which are located on the south side of Vesey Street. The alley also traverses the rear property line of one commercial structure which fronts on the north side of Lamar Avenue and is owned by the applicant.

This application has been submitted in an effort by the owner of the commercial property abutting the alley to the south. The applicant's intention with this alley closure is to secure accessibility to his property from the alley and to potentially expand his existing business.

The Alley being back filled or "built up" and the grade change from Vesey Street to the rear property line of the applicant's property offers access to the roof of the building. In fact, the current owner has had several incidences where his store has been burglarized by perpetrators simply walking up the built up alley section and cutting into the roof of his building.

Allowing the applicant to utilize this abandoned alley would provide the owner with the opportunity to implement security measures and possibly expand his business.

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:	63
Municipal Annexation Reserve Area:	Not Applicable. Annexed by Memphis in 1899
Zoning Atlas Page:	2130
Parcel ID:	001039 00002

DEPARTMENTAL COMMENTS:

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

City Engineer:

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.

County Engineer: No comments received.

City Fire Division: None.

City Real Estate: No comments received.

City/County Health Department: No comments by the Water Quality Branch & Septic Tank Program.

City Board of Education: No comments received.

Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Bell South / Millington Telephone:	No comments received.
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.
Rozelle/Annesdale Area Association:	No comments received.
Orange Mound Concerned Citizens Co.:	No comments received.