

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

CASE NUMBER: SAC 10-603 **L.U.C.B. MEETING:** May 13, 2010

STREET NAME: Key Avenue Alley Closure

LOCATION: 300 feet south of Key Avenue between Neil Street and Scott Street

COUNCIL DISTRICT: 5

SUPER DISTRICT: 9

APPLICANT: Jim Powell

REPRESENTATIVE: Askew Hargraves Harcourt

REQUEST: Close & Vacate Alley Right-Of-Way

AREA: 6,012 square feet

EXISTING LAND USE & ZONING: Warehouse and workshop space/Light Industrial (I-L)
Zoning District

SURROUNDING LAND USE & ZONING:

North: Office and Warehouse Space/Light Industrial (I-L) District

East: Office and Warehouse Space/Light Industrial (I-L) District

South: Billboard and Cell Tower/Light Industrial (I-L) District

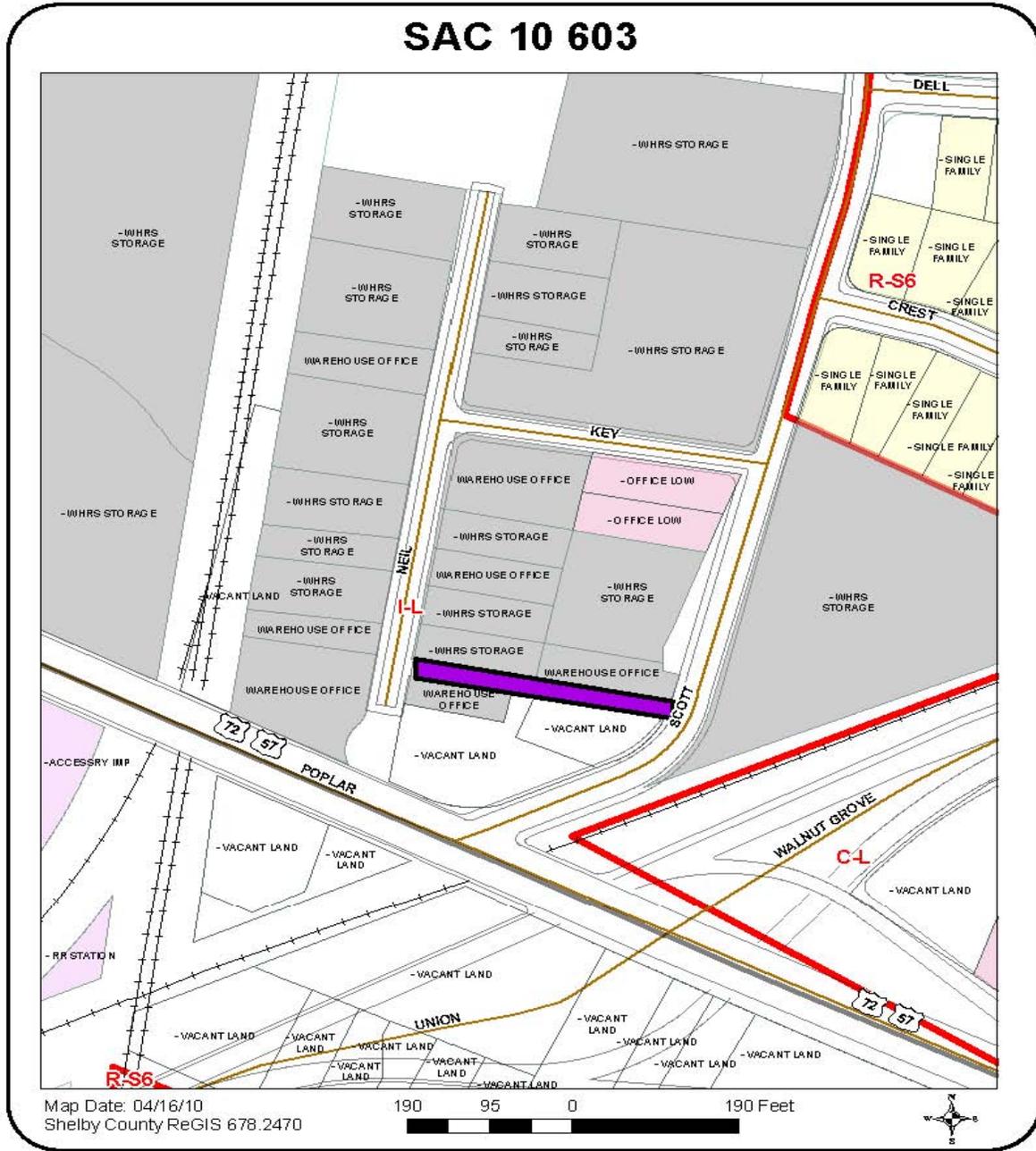
West: Office and Warehouse Space/Light Industrial (I-L) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

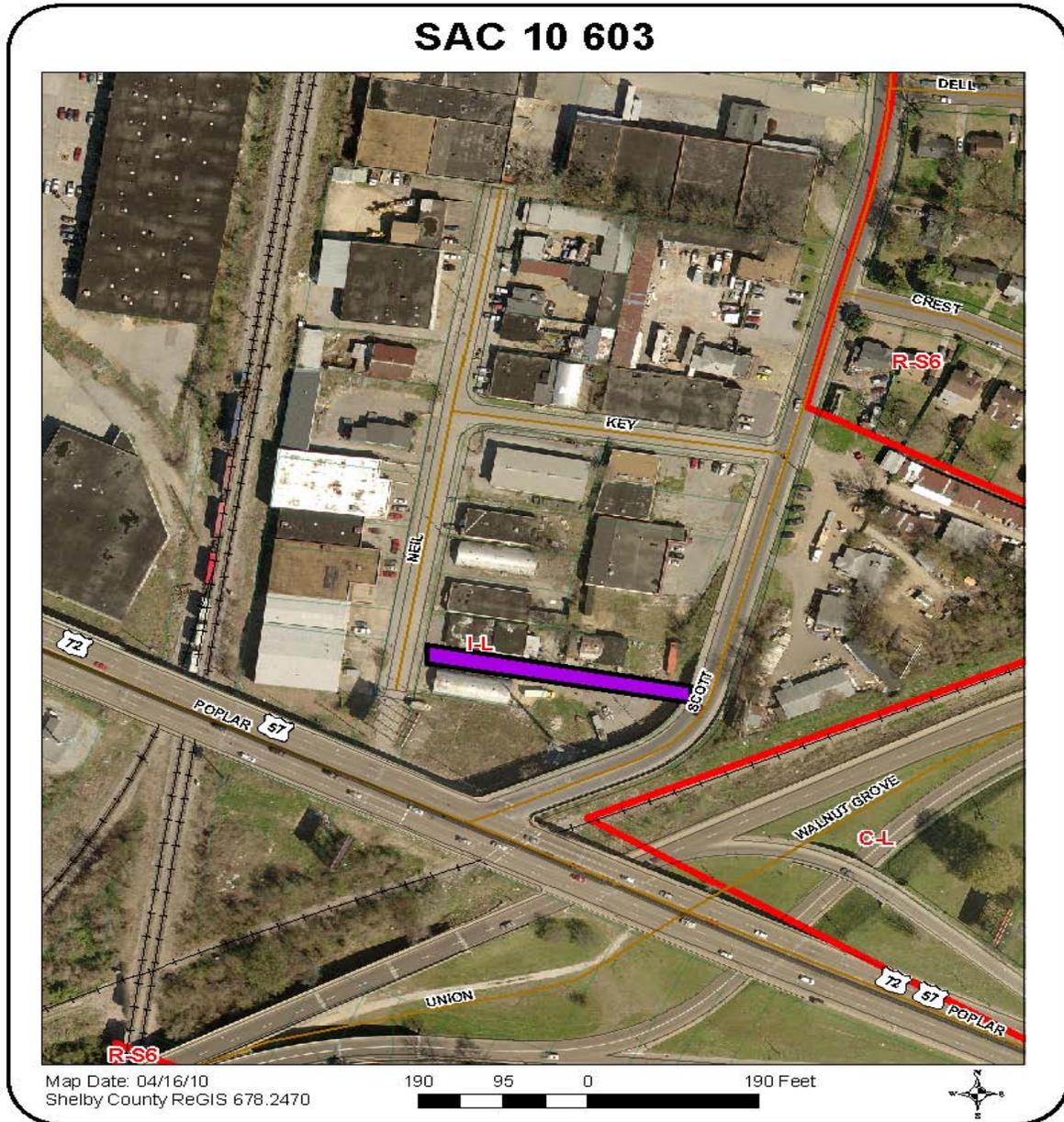
Approval With Conditions

CONCLUSIONS

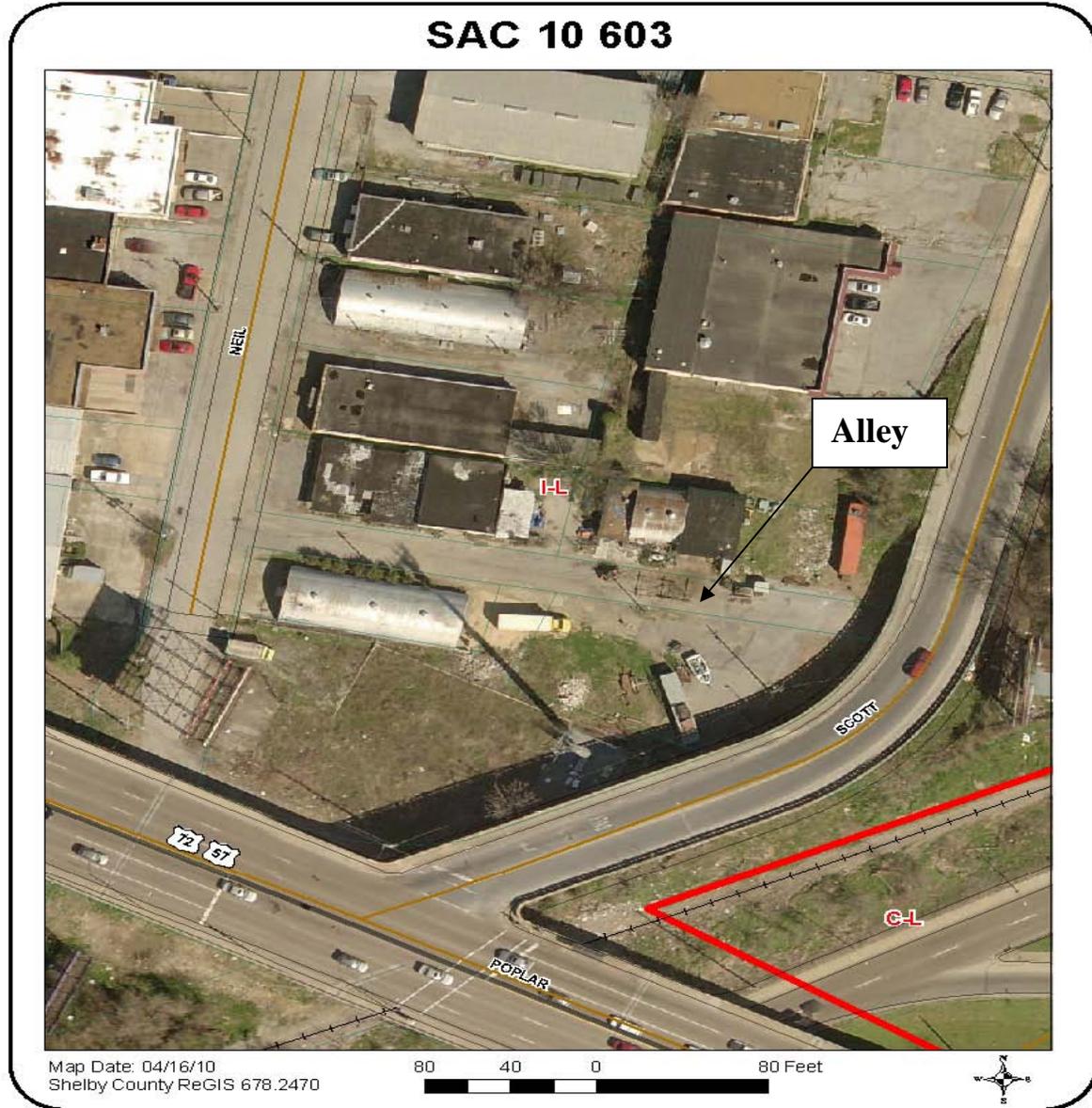
1. The alley to be closed was dedicated by subdivision plat in 1919.
2. It currently serves a total of two abutting property owners, both who have consented by signature to its closing.
3. The alley terminates into the Scott Street Viaduct and provides access to no other property owners than the two abutting property owners.
4. The purpose of closing the alley is to provide a more secure area for the abutting businesses and more workspace area.
5. There is no objection to the closing. The abutting properties will remain with access to Neil Street and any existing lots abutting the alley will retain frontage on the public streets abutting the lots.



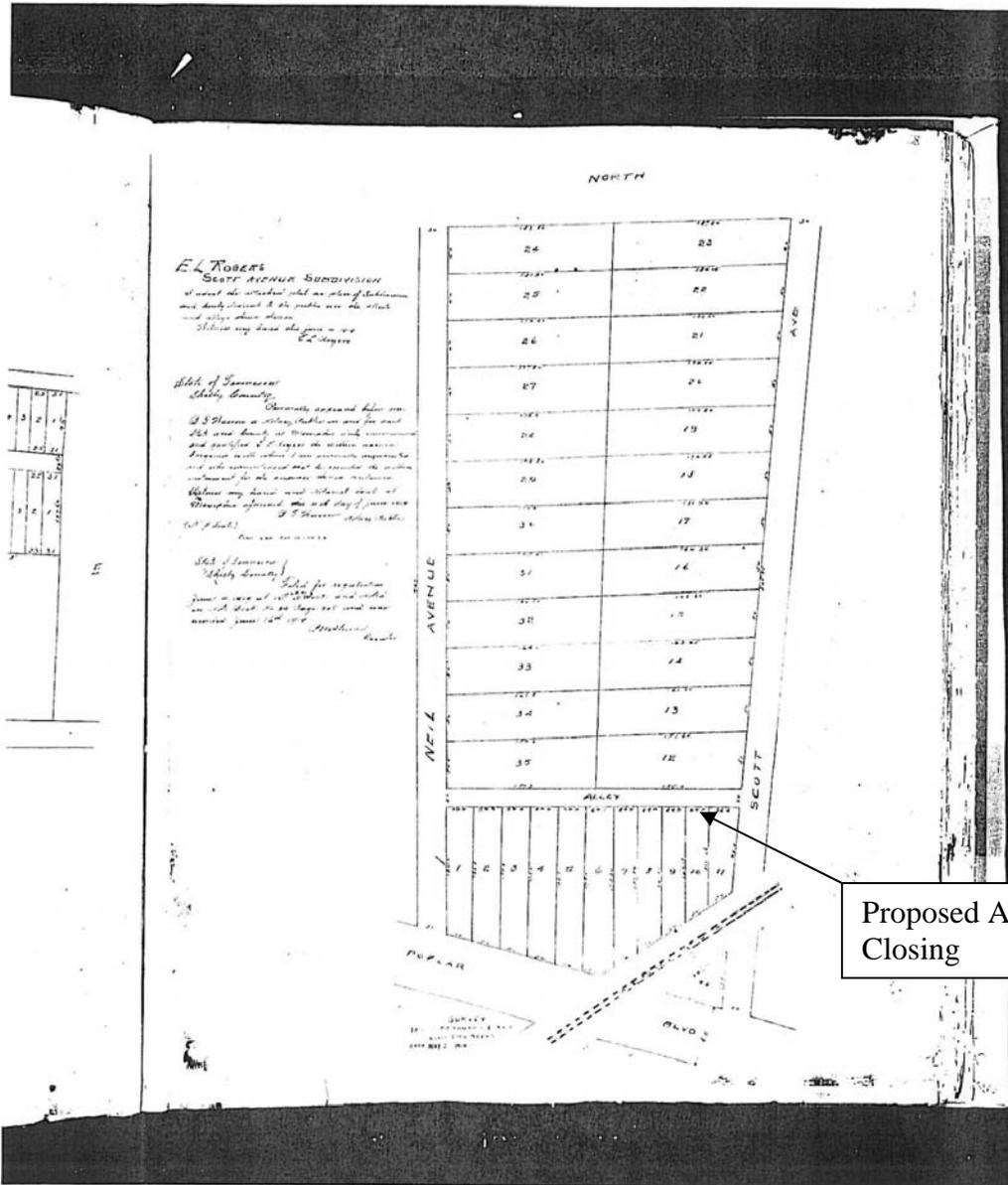
Land Use/Zoning/Vicinity Map



Aerial Photo with proposed closing highlighted



Aerial View providing more detail



Original Plat that created the alley



Proposed Closure Plat



Alley as viewed looking east from Neil Street



The eastern end of the alley terminates at the Scott Street Viaduct.



Looking west at the alley to Neil Street



Metalworking/Sculpting Business along the north side of the alley

STAFF ANALYSIS

The proposed alley currently serves two abutting property owners and is only accessible from its Neil Street end, as it terminates east into the Scott Street Viaduct. The alley is improved and used as access to a metalworking crafts shop and another business, but no other area property owners use it as it terminates into the Scott Street Viaduct.

The purpose of the alley closing is two fold. First, in meeting with the applicant on the site, security concerns primarily sparked the request. The applicant stated that a recently as a month ago, several thousand dollars of metal was stolen from his metalworking crafts shop by someone using the alley to load the stolen material onto a truck. This prompted the applicant to extend a steel cable across the alley to preclude after business hours access. Secondly, closing the alley allows more available workspace for the businesses.

There is no objection to the closing. The alley is not essential to the area's circulation or needed as access to the lots that will remain on either side of the alley once closed as these lots have existing frontage on the surrounding public streets. Further, leaving the alley open amounts to a maintenance burden to the City of Memphis as the city would remain responsible for improving and maintaining what is little more than a driveway for two property owners.

The applicant intends on formalizing a gate at Neil Street once the alley is closed. While typically closing alleys requires a physical separation of it to the abutting public street, the City Engineering Office concluded at the meeting of the Subdivision Technical Review Committee that they would not require the alley end at Neil Street be closed with curb, gutter, and sidewalk since Neil Street had no existing curb, gutter, and sidewalk improvements and since the applicant planned on retaining the alley as a driveway subject to a final design being approved by their office to appropriately terminate the former public alley intersection with the public street.

RECOMMENDATION: Approval of the alley closing subject to the following conditions:

1. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
2. Access from the former public alley to Neil Street shall remain subject to the City Engineer approving an access design 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 if construction is deemed necessary.
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: Midtown

Census Tract: 27

Zoning Atlas Page: 2135

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. City sanitary sewers/drainage facilities are located within the proposed closure area.
3. 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.
4. The applicant shall comply with all conditions of the closure within 365 days of the conditional approval of the closure by the City Council.
5. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.

City Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department: No comments by the Water Quality Branch.

City Board of Education: No comments.

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/Alley.** 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 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. 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.
- **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.
- **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 to serve any proposed or future development(s).

- **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 to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
 - All residential developers must contact MLGW's Residential Engineer at 528-4855 for application of utility services.
 - All commercial developers must contact MLGW's Builder Services line at 367-3343 to initiate the utility installation process.

- **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.

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.

Neighborhood Associations

Binghampton/Lester Community Organization: No comments received.

Masjid-Al-Noor Housing Development Corporation: No comments received.