

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **# 4**

CASE NUMBER: SAC 07-611 **L.U.C.B. MEETING:** August 9, 2007
STREET NAME: Michigan Street
LOCATION: Between Virginia Avenue and CSX Railroad
APPLICANT: Patrick Lawrence
REPRESENTATIVE: Chris Thornton
REQUEST: Close & Vacate Alley Street Right-Of-Way
AREA: 21,600 Square Feet
EXISTING LAND USE & ZONING: Street right-of-way ~ South Main(SM) District
SURROUNDING LAND USE & ZONING:

North: Street right-of-way ~ South Main(SM) District

East: Motor vehicle salvage yard ~ South Main(SM) District

South: Office warehouse uses ~ South Main(SM) District

West: Motor vehicle salvage yard ~ South Main(SM) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

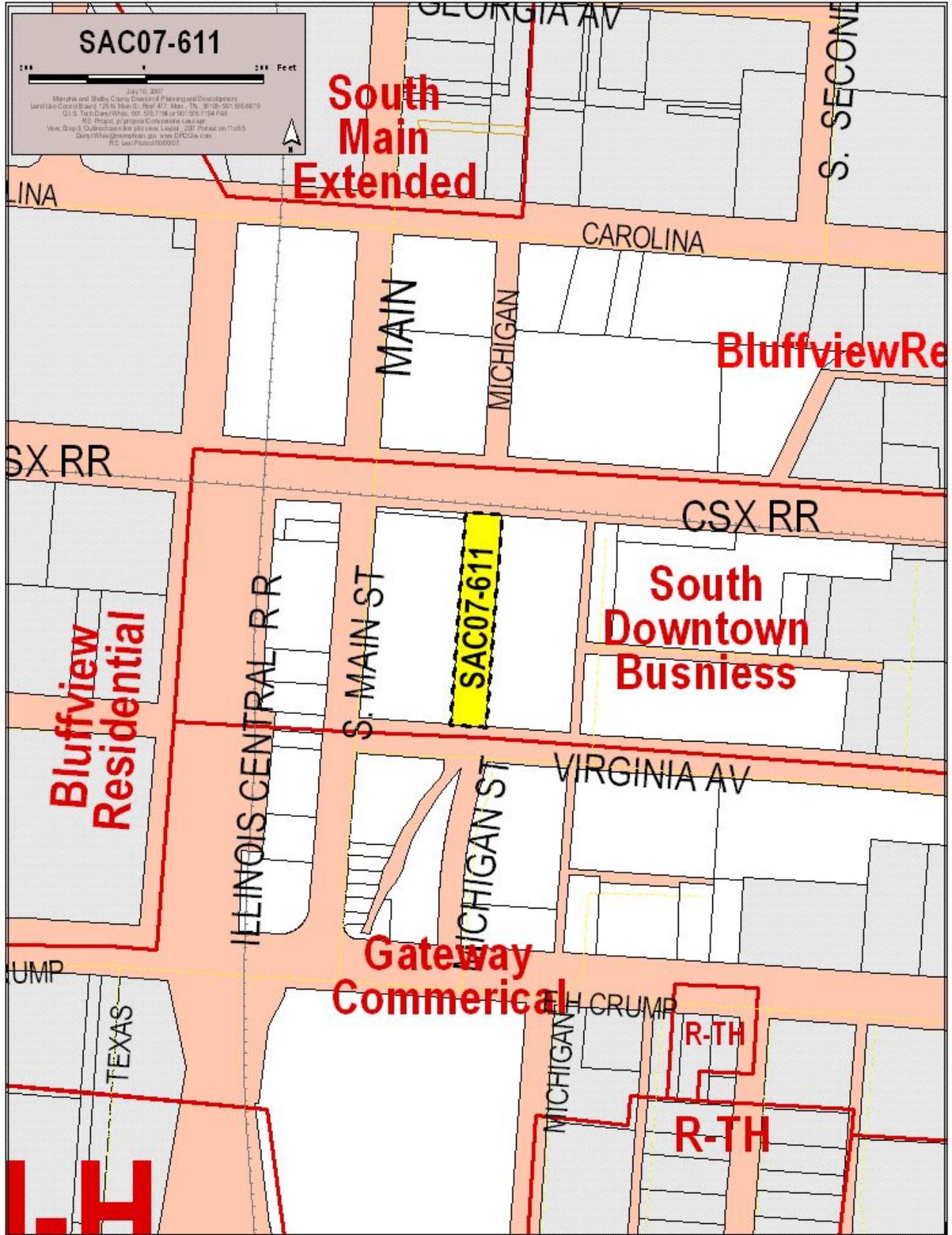
Approval with Conditions

Staff Writer: Carlos B. McCloud

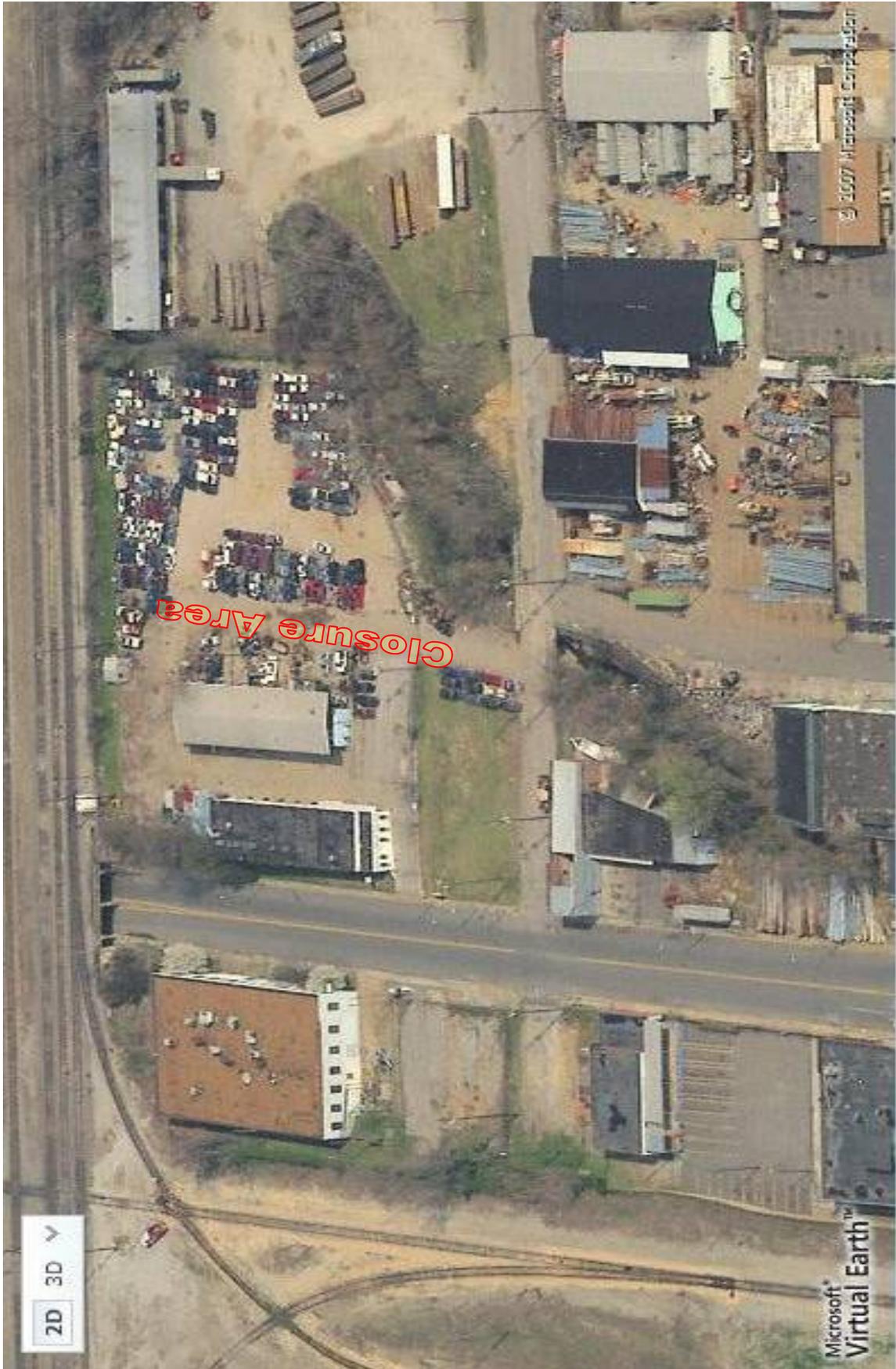
E-mail Address: carlos.mccloud@memphistn.gov

CONCLUSIONS

1. This section of Michigan Street contains sixty (60') feet of right-of-way and begins at the south right-of-way of Railroad Avenue (100'R.O.W) and proceeds southwardly approximately three hundred and sixty (360') feet. This street contains twenty one thousand three hundred and thirty seven (21,337) square feet of area.
2. This request is being made for property consolidation and security purposes as well as because this alley right-of-way terminates into a rail line that has no through access over the tracks. Over time streets and alleyways within this area have been closed and consolidated with adjacent lots for redevelopment purposes for larger projects. Some of these streets and alleyways have been maintained by the adjacent property owners.
3. The applicant is the owner of the adjacent lots which currently abut this alley way. There is no physical street within the right-of-way to be closed. To date this street exists as a paper alley; it has not been utilized for pedestrian or vehicular traffic for some time. It only provides access to the adjacent properties to the west and east of the proposed closure area. It has never been paved except by the adjacent property owners to access their driveways.







STAFF ANALYSIS

Site Area Description:

The subject right-of-way is located in the Downtown/Medical Center Planning District, between Virginia Avenue and the CSX Railroad. This area is zoned in the South Main (SM) District. This area currently serves as a drive to access the adjacent motor vehicle salvage yard. This proposed closure area is located within The Fort Pickering Subdivision. The Fort Pickering Subdivision was developed around the early 1900's. During the early development of downtown Memphis the bluff area was the location for many industries and residential dwellings for workers who were employed by these industries. The street network was heavily utilized. As the City of Memphis corporate boundaries expanded and other residential areas developed this area catered more to industries like office-warehouse uses that took advantage of the availability to major transportation routes (railroad and interstate).

Street Characteristics:

This section of Michigan Street contains sixty (60') feet of right-of-way and begins at the south right-of-way of Railroad Avenue (100'R.O.W) and proceeds southwardly approximately three hundred and sixty (360') feet. This street contains twenty one thousand three hundred and thirty seven (21,337) square feet of area.

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The applicant is the owner of the adjacent lots which currently abut this alley way. There is no physical street within the right-of-way to be closed. To date this street exists as a paper alley; it has not been utilized for pedestrian or vehicular traffic for some time. It only provides access to the adjacent properties to the west and east of the proposed closure area. It has never been paved except by the adjacent property owners to access their driveways.

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:	Downtown-Medical Center
Census Tract:	45
Municipal Annexation Reserve Area:	Memphis City Limits
Zoning Atlas Page:	2025

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.

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: This case has no significant impact on Memphis City Schools.

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
- MLGW has existing facilities within the present public road right of way. The owner/applicant shall dedicate 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.
- **Street Trees are prohibited**, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- 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.

- 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
- 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.

6822Bell South / Millington Telephone:

No comments received.

Memphis Area Transit Authority (MATA):

No comments received.

OPD-Regional Services:

1.This application was reviewed by the MPO staff/Department of Regional Services on July 12, 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 comments.

City of _____:

No comments received.

South Memphis Neighborhood Foundation:

The South Memphis Neighborhood Foundation has no objection to the Michigan Street closure. We looked at Virginia Avenue, between S. Main and S. Third. This section of Michigan Street is not accessibly from Virginia Avenue. This section of Michigan Street is already used as private property. City and County Property Taxes should be collected for the current use of this section of S. Michigan Street.

OPD-LUC:

1.

SW-CMc