

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT # 11**

CASE NUMBER: SAC 07-612 **L.U.C.B. MEETING:** September 13, 2007
STREET NAME: Galloway Avenue Closure
LOCATION: Between Holmes Street and Highland Street
APPLICANT: Chickasaw Country Club
REPRESENTATIVE: Homer Branan
REQUEST: Close & Vacate Street Right-Of-Way
AREA: 2.2 acres
LENGTH X WIDTH of R.O.W.: **50' x 1,975**
EXISTING LAND USE & ZONING: Chickasaw Country Club ~ Duplex Residential (R-D) District

SURROUNDING LAND USE & ZONING:

North: Sam Cooper Boulevard ~ Single Family Residential (R-S15) District

East: Hellenic Orthodox Church ~ Duplex Residential (R-D) District

South: Single Family dwellings ~ Single Family Residential (R-S6) District

West: Single Family dwellings ~ Single Family Residential (R-S6) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Rejection

Staff Writer: Carlos B. McCloud

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CONCLUSIONS

1. The applicant has submitted a letter of intent. This letter states that there is a need for the relocation of members and employee parking to allow the architects to reconfigure the golf course and existing parking to permit the installation of a golf warm-up and practice youth golf program. The plan is to close the street and have the right-of-way deeded to the Chickasaw Country Club and Hellenic Orthodox Church. This will eliminate the need for public maintenance of the road.

2. **Table 1 Analysis:**

The east counter/west bound (nearest to Highland Street/Galloway Avenue) column indicates that 7:00 a.m. and 6:00 p.m. are the peak hours for traffic traveling west to Holmes Road. The east counter/east bound (nearest Holmes Street/Galloway Avenue) column indicates that between 1:00 p.m. to 2:00p.m. as the peak hour traffic traveling east to Highland Street.

The west counter/west bound (nearest to Holmes Street/Galloway Avenue) column indicates that pick hours of 7:00a.m. and 4:00 p.m. The west counter/east bound (nearest to Holmes Street/Galloway Avenue) denotes a peak hour between 4:00 p.m. – 5:00 p.m.

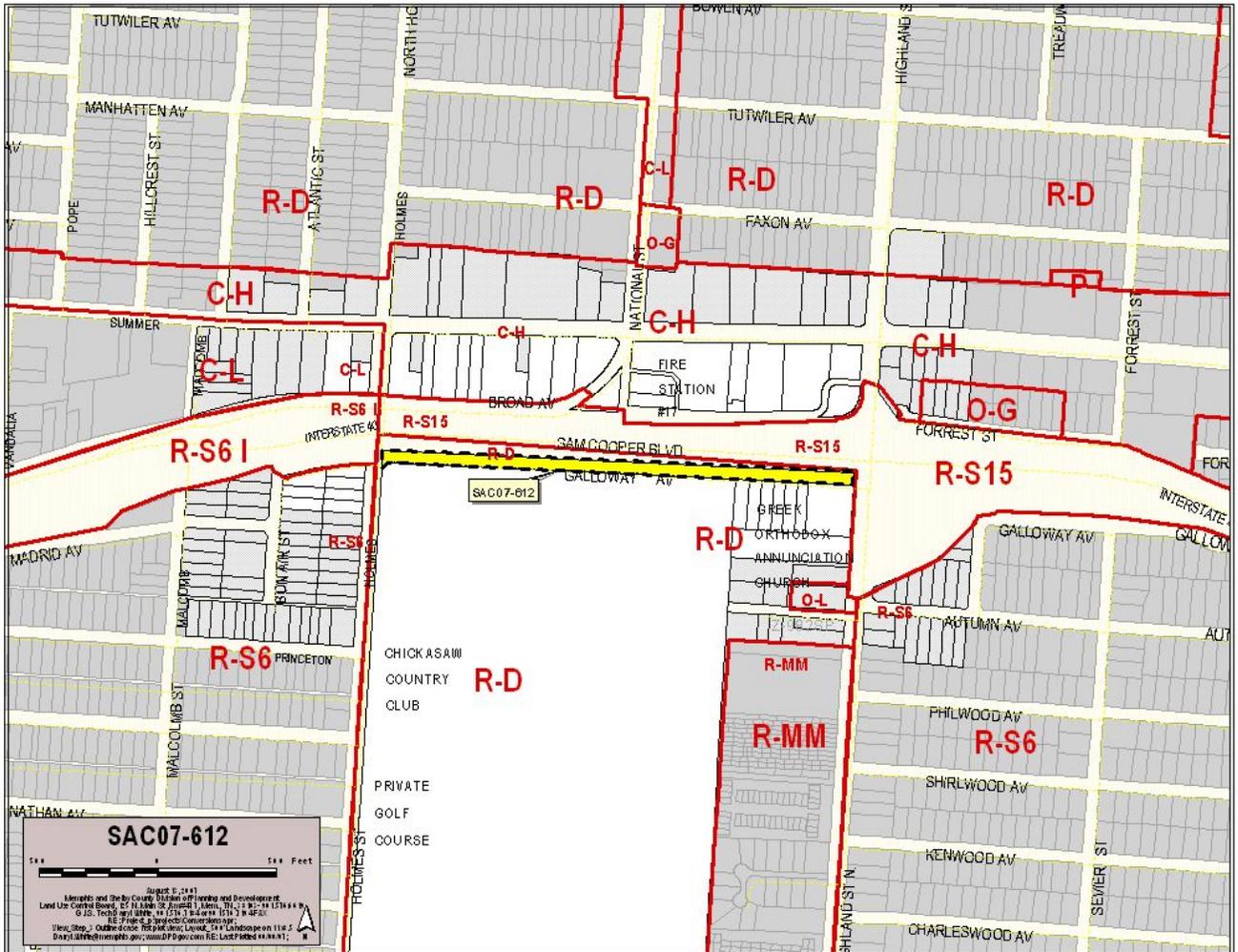
Driveway counts east into the country club peak at 11:00 a.m. and 6:00 p.m. West in counts to country club peak at 9:00 a.m. and 4:00 p.m.

This table indicates that the general public utilizes this street during the peak commuter hours between 7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:00 a.m., as well as individuals traveling during lunch hours.

2. **Table 2 Analysis:**

Traffic from Highland Street west bound to Holmes Street has its greatest peak at 7:00 a.m., Traffic from Holmes east bound to Highland Street has its greatest peak at 5:00 p.m., , however the percentage of traffic to the country club is than half of vehicles traveling east and west. Closure of this street would require the neighborhood east of Highland Street to have to utilize Summer Avenue(north of closure area), Waynoka Avenue or Walnut Grove Street (south of closure area) to the south, which is almost over an quarter of a mile.

3. These two tables indicate that the general public utilizes this street more that the adjacent property owners and any closure of this street would have any negative impact on the surrounding neighborhoods, by diverting traffic to other neighborhood streets, increasing travel time for the public. This proposed closure would also eliminate an east and west road that provides direct access to neighborhoods where Sam Cooper Boulevard does not provide. It also eliminates a point of access for emergency and service vehicles.







STAFF ANALYSIS

Site Area Description:

The subject property is located within the University Planning District. This proposed street closure area is located along Galloway Avenue between Holmes Street and Highland Street. This site is zoned in the Duplex Residential (R-D) District. Chickasaw Country Club is the applicant for this requested street closure. There are two property owners located along the south side of Galloway Avenue with access to their properties from Galloway: Chickasaw Country Club and Hellenic Orthodox Church. Chickasaw Country Club has one thousand four hundred and fifty five (1,455) feet of frontage along Galloway Avenue and Hellenic Orthodox Church has approximately five hundred (500') feet of frontage along Galloway Avenue. Chickasaw Country Club has their primary access from Galloway Avenue. Hellenic Orthodox Church is located at the intersection of Galloway Avenue and Highland Street with access from both roadways.

Sam Cooper Boulevard is located to the north of this proposed closure area, with no direct access to the highway. Single family residential dwellings and neighborhoods surround this closure area to the west, south and east. The nearest east/west street north of this closure area is Summer Avenue and Broad Avenue. The nearest east west street south of this closure area is Waynoka Street. The request is to close a section of dedicated street right-of-way located between Holmes Street and Highland Street.

Street Characteristics:

This street was dedicated by plat during the early 1900's, although there is no record of the plat. Initial research of adjacent property deeds refer to several subdivisions that have occurred in this area, but this country club site was not part of any subdivision. Chickasaw Country Club lot is an exempt lot of record contain one hundred (107) acres than likely Galloway Street was street dedicated at this time. According the Chickasaw Country Club website the club was established at this location in 1922. This proposed closure are contains two (2.2) acres of right-of-way area. It has fifty (50') feet of right-of way width and approximately one thousand nine hundred and seventy five (1,975) feet of right-of-way length.

The applicant has submitted a letter of intent. This letter states that there is a need for the relocation of members and employee parking to allow the architects to reconfigure the golf course and existing parking to permit the installation of a golf warm-up and practice youth golf program. The plan is to close the street and have the right-of-way deeded to the Chickasaw Country Club and Hellenic Orthodox Church. This will eliminate the need for public maintenance of the road.

The applicant has submitted to staff an independent traffic volume study for Galloway Avenue. This study was conducted on the section of Galloway Avenue between Highland Street and Holmes Street on between August 14th and August 18th, 2007. Two road tube traffic counters that recorded two-way hourly volumes were placed to the east and west of the entrance to Chickasaw Country Club Drive. The number of vehicles entering the drive from the east and west were recorded between the hours of 5a.m. and 11 p.m.

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Summary:

These two tables indicate that the general public utilizes this street more that the adjacent property owners and any closure of this street would have any negative impact on the surrounding neighborhoods, by diverting traffic to other neighborhood streets, increasing travel time for the public. This proposed closure would also eliminate an east and west road that provides direct access to neighborhoods where Sam Cooper Boulevard does not provide. It also eliminates a point of access for emergency and service vehicles.

RECOMMENDATION: Rejection

If the LUCB recommends approval of the closing, the following conditions are recommended:

LUCB 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 two (2) years 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:	University
Census Tract:	29
Municipal Annexation Reserve Area:	Memphis City Limits
Zoning Atlas Page:	2035

DEPARTMENTAL COMMENTS:

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

City Engineer:

1. The City Engineer has instructed the developer's engineer to conduct a traffic study to determine the effect of closure of Galloway on existing traffic patterns. Until this information is received and reviewed, the City Engineer cannot recommend the closure.
2. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
3. City sanitary sewers/drainage facilities are located within the proposed closure area.
4. 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.
5. 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: No comments from the Water Quality Branch.

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: No comments received.

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/when the public right of way is deeded to the adjacent property owners.**
 - 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, at all times. 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
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- 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:

1. AT&T has existing cables within the Right of way of Galloway Avenue. A perpetual utility easement will be required in order for AT&T to access and maintain these facilities.

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 August 20, 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.

Neighborhood Associations:

None contacted.

OPD-LUC:

SW-CMc