

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **#6**

CASE NUMBER: SAC 05-614 **L.U.C.B. MEETING:** 08/11/05

STREET NAME: Warren Road

LOCATION: Beginning on the north side of Clementine Road at its western terminus and proceeding northerly 386.78 feet therefrom

APPLICANT: ProUnited Realtors, LLC

REPRESENTATIVE: Brunell Gooden

REQUEST: Close & Vacate Unimproved Street Right-Of-Way

AREA: 0.355 Acre

EXISTING ZONING: Duplex Residential (R-D) and Multiple Dwelling Residential (R-ML) Districts

SURROUNDING LAND USE & ZONING:

North: Single family residences / Duplex Residential (R-D) and Multiple Dwelling Residential (R-ML) Districts

East: Vacant land and single family residences / Duplex Residential (R-D) District

South: Single family residences / Duplex Residential (R-D) District

West: Apartments / Multiple Dwelling Residential (R-ML) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Approval subject to four (4) conditions and one (1) plat modification.

CONCLUSIONS

The requested closure will not alter existing traffic patterns in the area.

STAFF ANALYSIS

Request. The applicant, ProUnited Realtors, LLC is requesting to vacate the public right-of-way of Warren Road north of Clementine Road to 220 feet south of Ferguson Road, a distance of approximately 387 feet and convert the street to private ownership. Warren Road (40 feet right-of-way) in this vicinity is an unimproved right-of-way which serves three parcels, two of which are owned by the applicant on the east side of the right-of-way. The third parcel to the west has been developed with two-story apartments and is presently owned by Warrer and Tulane Apartments Ltd. The apartments take access to Warren Road immediately north of the requested closure via the remaining 40 feet of frontage that the apartment complex has along the street. The roadway is encumbered by numerous large trees within the right-of-way as well as significant change in elevation from the north to the south end, which make it unlikely that the street would be constructed within the right-of-way.



Turnaround Required. Vacation of the Warren Road right-of-way will result in Clementine Road east of Darlene Street having a length of 263 feet. This dead-end road has functioned with no turnaround since 1970, about the time that Clementine Road, west of Warren Road was closed to permit development of the apartment complex. The applicant will be required to dedicate and improve a cul-de-sac bulb at the western end of Clementine Road in accordance with the Subdivision Regulations, which require vehicle turnarounds to be provided where dead-end streets exceed 200 feet in length.

Existing Utilities. Old City Engineering maps indicate the presence of an eight (8) inch sanitary sewer line in the north 100 feet of Warren Road. An easement will need to be retained for this line or the applicant may request the City to abandon the line at his expense.

Right-of-way Divestiture. A 1949 property abstract prepared by the Memphis Abstract Company indicates that Warren Road has a 40 foot right-of-way. Staff could not determine from which parcel(s) the roadway originated. It appears that some of the adjacent property may be identified as part of the G. W. Lincoln Subdivision, unrecorded. Therefore, unless the applicant can provide evidence to the contrary, through old deed records or the unrecorded aforementioned subdivision plat, the right-of-way will be assumed to be prescriptive with the underlying property ownership lines running to the current roadway centerline, providing each of the adjacent property owners with a 20 foot wide strip of the roadway, in accordance with Section 602.4--OTHER REQUIREMENTS:

- B. *Property Acquired by Dedication - If the street or alley was acquired by dedication or if it cannot be determined whether the street or alley was acquired by governmental purchase, it shall be assumed that the street or alley was acquired by dedication and no fee value payment is required.*

Conclusion. Staff has no objection to the request for closure. The requested closure will not alter existing traffic patterns in the area.

RECOMMENDATION

Approval, subject to the following conditions and plat modifications:

CONDITIONS

1. Dedicate and improve a turnaround at the western end of Clementine Road in accordance with Section 404.4, b. of the Subdivision Regulations.
2. Retain an easement for existing eight (8) inch sanitary sewer line or relocate/abandon at applicant's expense.
3. The applicant shall provide for the construction of curb, gutter and sidewalk across each end of 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.

PLAT MODIFICATION

1. Revise the closure plat to reflect the additional five (5) feet of dedication north of the site on Warren Road provided by the Clementine Hills Subdivision, 1st Addition (PB 25, Pg 4).

GENERAL INFORMATION

Planning District:	Depot
Census Tract:	78.21
Municipal Annexation Reserve Area: Memphis	Not Applicable. Annexed by on September 8, 1964.
Zoning Atlas Page:	2230

DEPARTMENTAL COMMENTS:

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

City Engineer:

1. The applicant shall construct a turn-around at the end of the street in Accordance with Section 404.4, b. of the Subdivision Regulations.
2. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
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.

City Fire Division: No comment.

City Real Estate: No comment.

City/County Health Department: No comment.

City Board of Education: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Bell South: No comments received.

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

OPD-Regional Services: No comments received.

OPD-Plans Development:

1. As per Policy 85 of Memphis 2000 Policy Plan, developments should be encouraged to evenly spread traffic and destination centers. Poorly connected roads are encouraged to be realigned to improve flow of traffic as per Policy 86.
2. However, Policy 94 of the Policy Plan encourages to minimize environmental damage due to road construction by use of erosion and sedimentation control techniques or selecting the least environmentally damaging road alignment feasible. The subject site provides a challenge to construct a road due to its terrain. Existing healthy trees that needs to be preserved are currently on the sides, but there is room between these trees that can be developed to connect Warren to Clementine.
3. More detailed study is recommended to study the feasibility of developing a street between the healthy/mature trees. At least a pedestrian connection should be established between the trees to allow residents of Clementine and Darlene to walk or bike to the Warren/Alcy Park and Elvis Presley Corridor.
4. The application to close the connection officially is very sensitive now as the potential development east of the street in question is unknown. Alternatively, this application may be revisited at a later time if a development is proposed to the east of this street to provide for a public street connection between Warren and Clementine.

Park Services Division: No comments received.

Neighborhood Associations: None contacted.

SW-BR