

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

**CASE NUMBER:** SAC 06-610      **L.U.C.B. MEETING:** 05/11/06  
**STREET NAME:** Mulberry Street  
**LOCATION:** Between Linden Avenue and Pontotoc Avenue  
**APPLICANT:** Memphis Development A, LLC  
**REPRESENTATIVE:** Cecil C. Humphreys, Jr.  
**REQUEST:** Close & Vacate Street Right-Of-Way  
**AREA:** 14,960 Square Feet = 0.343 Acre  
**EXISTING LAND USE & ZONING:** Street / South Main Special District with Historic Preservation (HP) Overlay on west half of right-of-way

**SURROUNDING LAND USE & ZONING:**

**North:** Memphis Light, Gas & Water Division Headquarters / Sports and Entertainment District (SE) District  
**East:** Parking lot / South Main Special District  
**South:** Parking lot / South Main Special District  
**West:** Chisca Hotel / South Main Special Historic Preservation (SMS[HP]) District

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION**  
**Approval with Conditions**

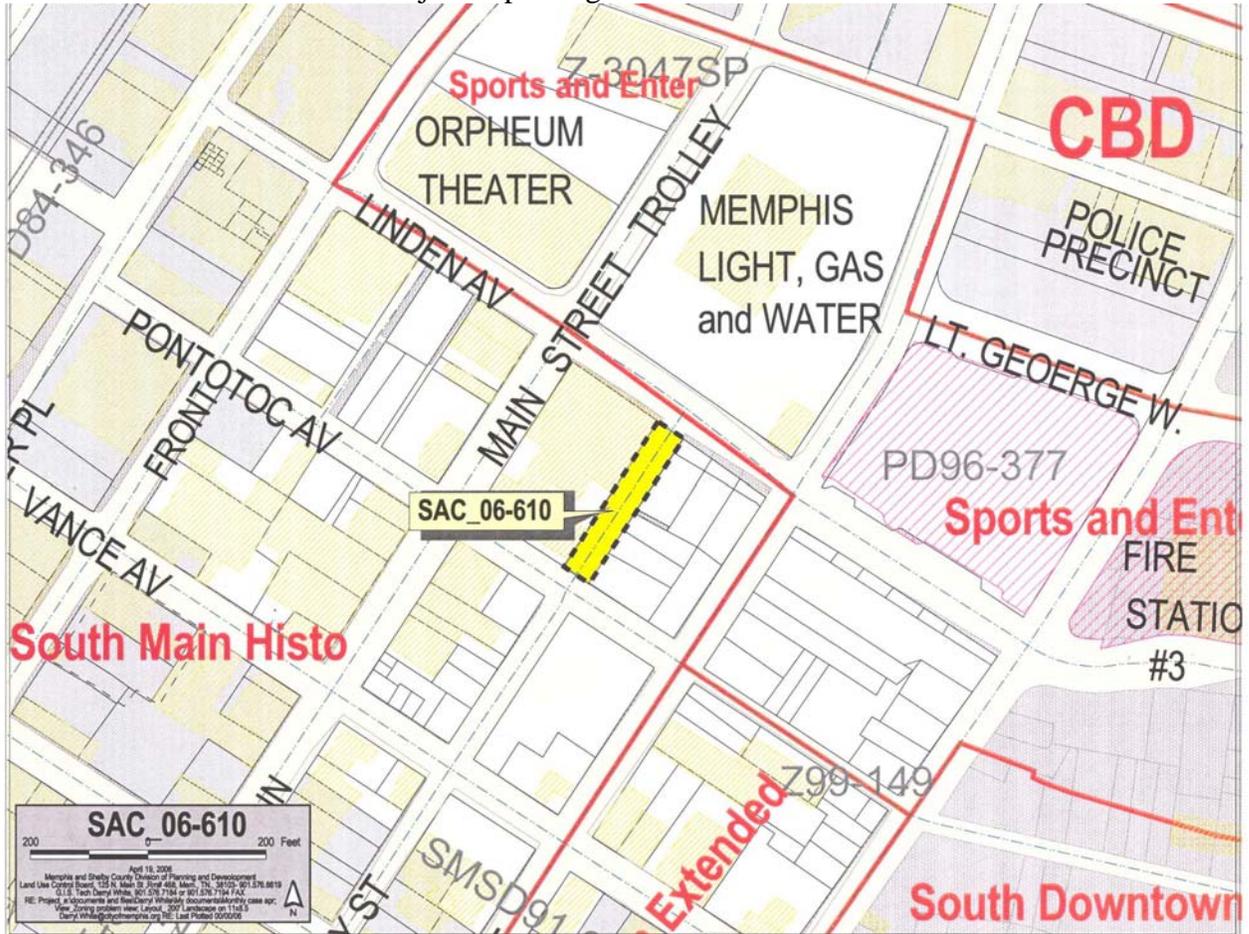
## CONCLUSIONS

1. Although this is a dedicated street, to date it is under utilized by the public. The adjacent properties to the north and south of Mulberry Street are own by the Church of God in Christ. The property located south of Mulberry is a parking lot that is not currently being used. The property to the north is the historic Chisca Hotel. The closure is being proposed in effort to consolidate the adjacent properties for the redevelopment of the Chisca Hotel. This alley closure will not negatively impact the adjacent property owners because of the lack of utilization. MLG & W is located adjacent to these properties on the north side of Linden Avenue and has access to its building from Linden as well as Second Street. The properties that are located on the south side of Pontotoc Street can be access from Front Street, Pontotoc Street and Mulberry Street south of Pontotoc Avenue.

## STAFF ANALYSIS

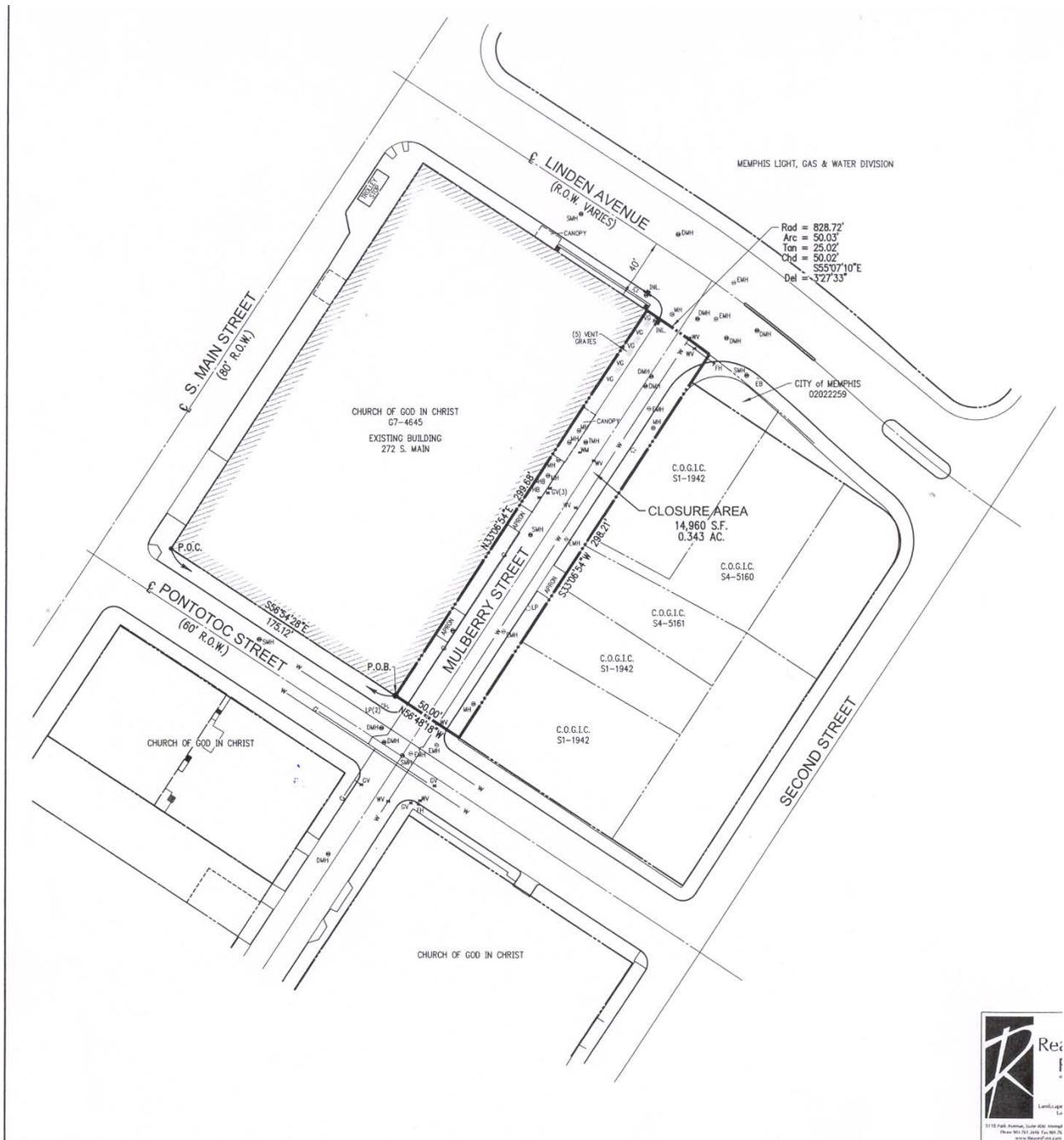
### Site Area Description:

The subject right-of-way is located within the Downtown Medical Center Planning District, Between Linden Avenue and Pontotoc Avenue (Front Street and Second Street). The surrounding area is zoned in the South Main Special District (Historic Preservation). This street serves as a drive to access the adjacent parking lot and hotel.



### Request:

The request is to close and vacate a section of dedicated street right-of-way located on the between e Linden Avenue and Pontotoc Avenue.



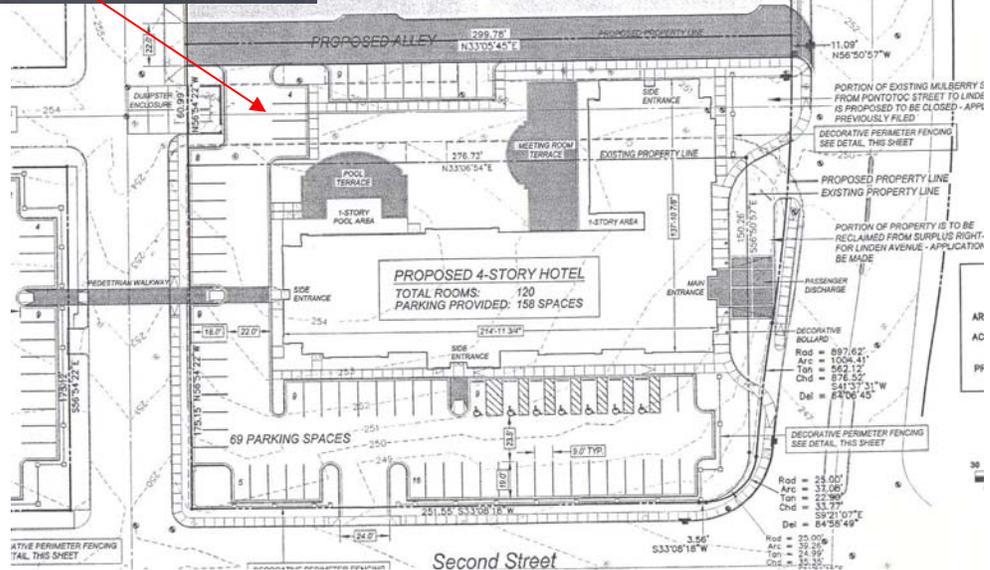
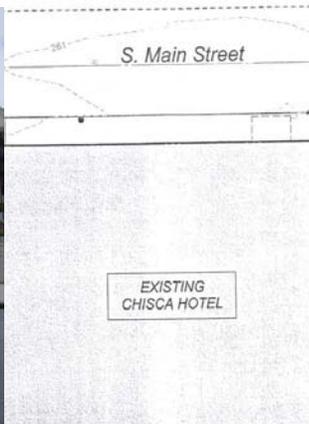
**Alley Characteristics:**

This section of the alley contains fifty (50') feet of right-of-way and begins at the north line of Pontotoc Street (80' R.O.W.) and extends north two hundred and ninety eight (298') feet to Linden Avenue (40'R.O.W.). This alley way contains fourteen thousand and nine hundred and sixty (14,960) square feet of dedicated area.

**Alley Closure Proposal:**

Although this is a dedicated street, to date it is under utilized by the public. The adjacent properties to the north and south of Mulberry Street are own by the Church of God in Christ. The property located south of Mulberry is a parking lot that is not currently being used. The property to the north is the historic Chisca Hotel. The closure is being proposed in effort to consolidate the adjacent properties for the redevelopment of the Chisca Hotel. This alley closure will not negatively impact the adjacent property owners because of the lack of utilization. MLG & W is located adjacent to these properties on the north side of Linden Avenue and has access to its building from Linden as well as Second Street. The properties that are located on the south side of Pontotoc Street can be access from Front Street, Pontotoc Street and Mulberry Street south of Pontotoc Avenue.

This request for an alley 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.



**RECOMMENDATION: Approval with Conditions**

### **L.U.C.B. 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 365 days of the conditional approval of the closure by the City Council.

## **GENERAL INFORMATION**

<b>Planning District:</b>	C.B.D. – Medical Center
<b>Census Tract:</b>	42
<b>Municipal Annexation Reserve Area:</b>	Memphis City Limits
<b>Zoning Atlas Page:</b>	2025

## **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.

<b>City Fire Division:</b>	No comments.
<b>City Real Estate:</b>	No comments.
<b>City/County Health Department:</b>	No comments.
<b>City Board of Education:</b>	No comments received.
<b>Construction Code Enforcement:</b>	No comments received.
<b>Memphis Light, Gas and Water:</b>	No comments received.
<b>Bell South:</b>	No comments received.
<b>Memphis Area Transit Authority (MATA):</b>	No comments received.
<b>OPD-Regional Services:</b>	No comments received.
<b>OPD-Plans Development:</b>	No comments.

**Park Services Division:**

No comments received.

**Neighborhood Association –**

**S. Main Historic Association:**

No comments received.

**OPD-LUC:**

1. The plat should show the adjacent lots of record (1-8) in Block 36, Plan of South Memphis. It should also reference the location of the 10' wide alley that was closed by the City on April 2, 1929. Verify that a quit claim deed was recorded in conjunction with the approved resolution.
2. This property was included as part of the Beale Street Urban Renewal Area Project No. Tennessee R-77. It may be necessary to include the same land use restrictions on this quit claim as the adjacent parcels unless the use restrictions are lifted by the Memphis Housing Authority and City.
3. Adjacent parcels are permitted to be utilized for the following purposes only:
  - a. Multiple Dwellings, including high-rise apartment structures.
  - b. Church or similar type related residential uses.
  - c. Institutions of a religion, educational, eleemosynary or philanthropic nature, but not penal or mental institutions.
  - d. Accessory uses and structures normally incidental to the above uses.
4. Close street intersections with adjoining streets with standard curb, gutter and sidewalk unless utilizing right-of-way for access, in which case a curb cut will need to be constructed to the requirements of the City Engineer.
5. Retain easements for existing utilities (electricity, gas, water) and for drainage facilities or relocate at applicant's expense.

SW-CMc