

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

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CASE NUMBER: SAC 07-620 **L.U.C.B. MEETING:** January 10, 2008
STREET NAME: **2nd Mill Avenue Closure**
LOCATION: 2nd Alley South of Mill Street and West of
Front Street
APPLICANT: Craig Mednikow
REPRESENTATIVE: Craig Mednikow
REQUEST: Street Closure
AREA of R.O.W: 2,450 square feet
LENGTH x WIDTH of R.O.W.: 148' x 16.5'
EXISTING LAND USE & ZONING: Street right-of-way ~ Heavy Industrial (I-H)
District

SURROUNDING LAND USE & ZONING:

North: Industrial uses ~ Heavy Industrial (I-H) District

East: Industrial uses ~ Heavy Industrial (I-H) District

South: Commercial uses ~ Heavy Industrial (I-H) District

West: Mississippi River ~ Heavy Industrial (I-H) Floodplain (FP) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

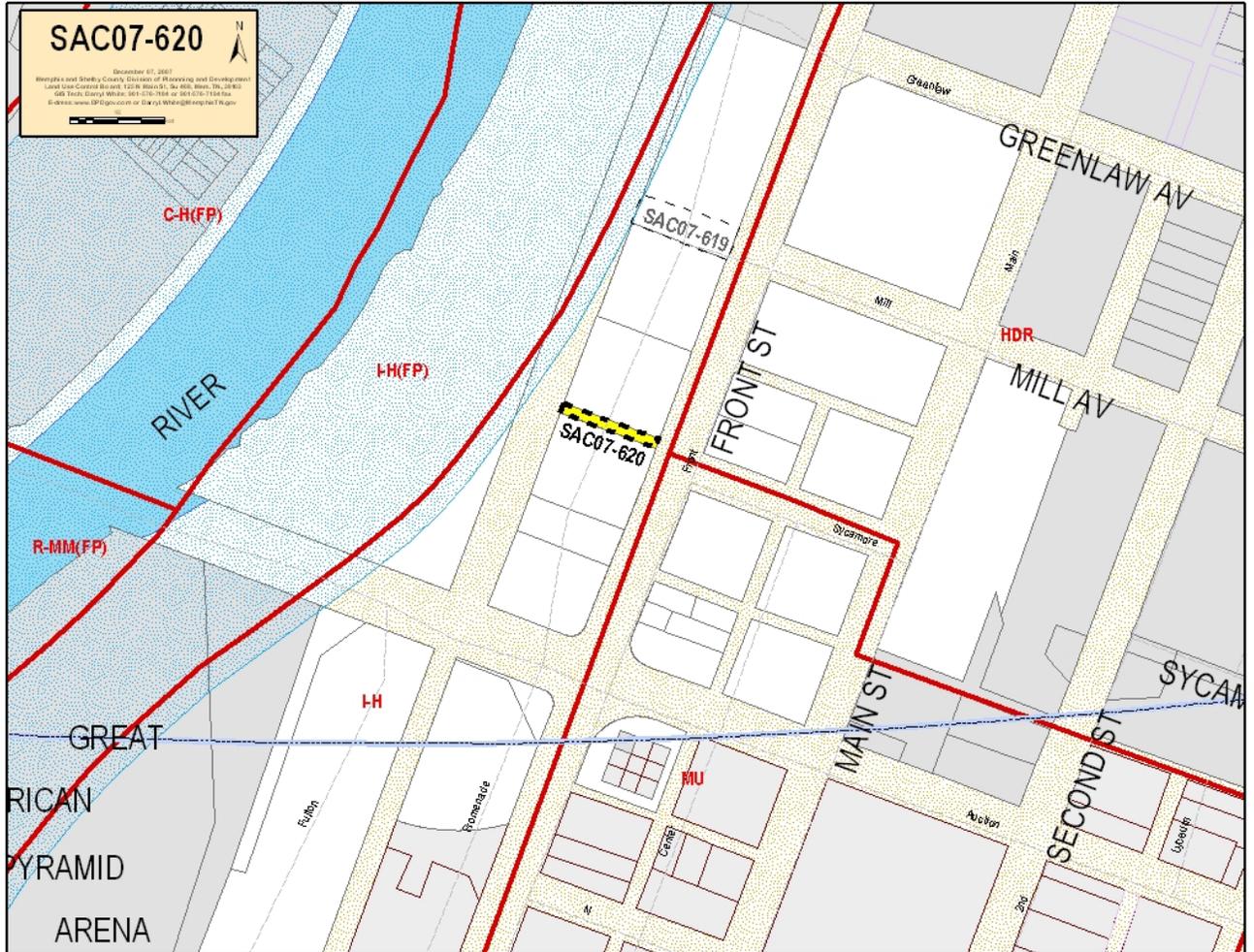
Approval with Conditions

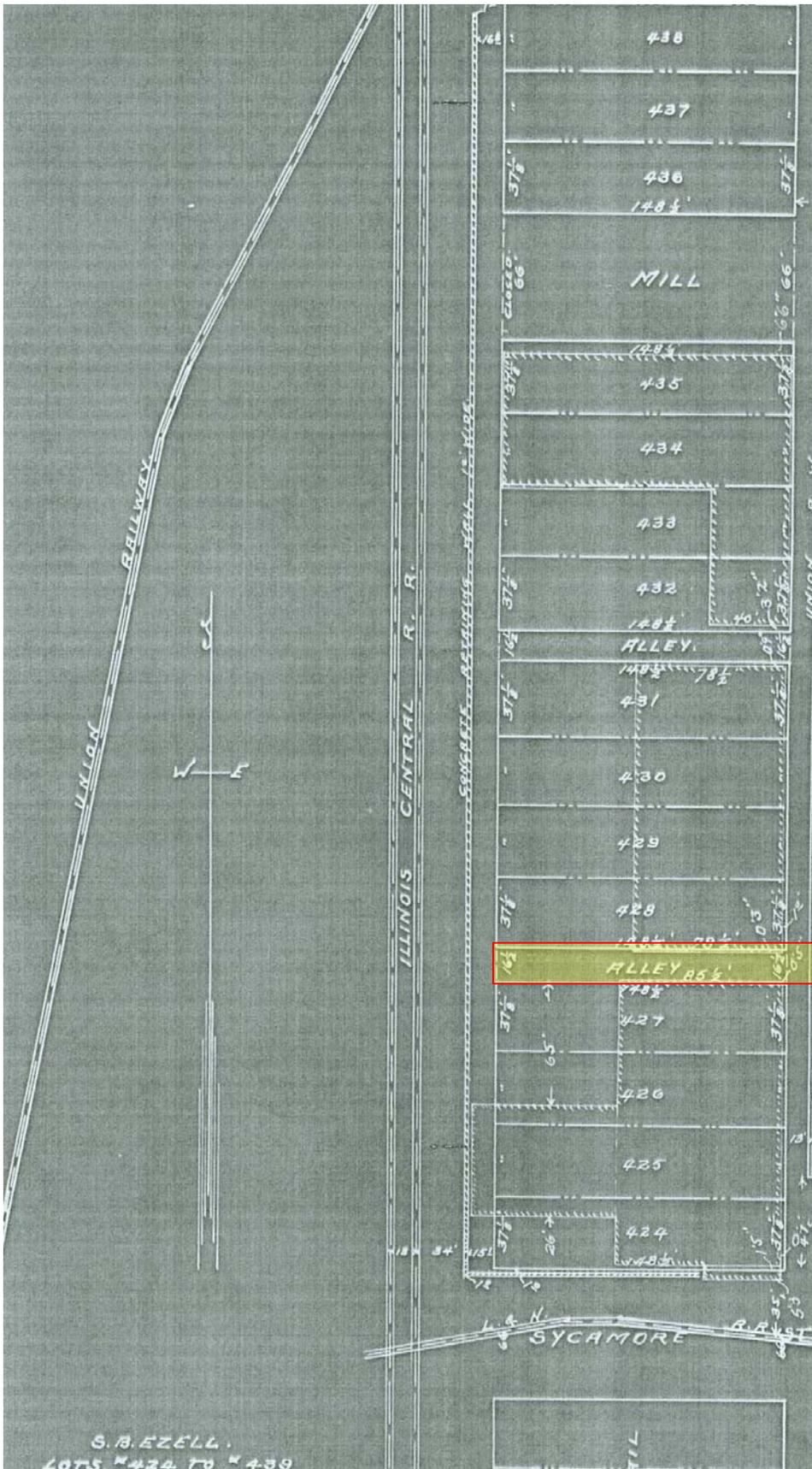
Staff Writer: Carlos B. McCloud

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

Conclusions:

1. The subject right-of-way is located in the Downtown-Medical Center District, on the west side of N. Front and east side of the Illinois Central Railroad (2nd Alley South of Mill Street). This area is zoned in the Heavy Industrial (I-H) District. This section of Mill Avenue was dedicated by plat as a result of the Original Plan of Memphis.
2. This right-of-way contains approximately sixteen (16.5') feet of right-of-way width and one hundred and forty eight (148') feet of depth totaling. It contains two thousand four hundred and fifty (2,450) square feet of area.
3. This request is being made for the purposes of property consolidation. The applicant is the property owner of the adjacent lots to the north and south of this right-of-way. This alley primarily serves as access to the adjacent lots to the north and south. There is no availability for thru traffic to proceed westwardly due to the proximity of Illinois Central Railroad adjacent to the Mississippi River. During the early nineteen hundreds (1900's), the U.S. Army Corp of Engineers erected an eighteen (18') foot concrete retaining wall along the western boundary of this street right-of-way preventing any future street extensions. It has not been utilized for vehicular traffic for over seventy (70) years and currently terminates into the Illinois Central Railroad adjacent to the Mississippi River. It only provides access to the adjacent properties to the north and south of the proposed closure area. At one time this right-of-way was planned as a thru street connection to connect to the west. However, the travel demand never warranted right-of-way improvements for the street extension. This closure is recommended for approved due to the lack of utilization by the public.





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STAFF ANALYSIS

Site Area Description:

The subject right-of-way is located in the Downtown-Medical Center District, on the west of N. Front and east of Illinois Central Railroad (2nd Alley South of Mill Street). This area is zoned in the Heavy Industrial (I-H) District. This section of Mill Avenue was dedicated by plat as a result of the Original Plan of Memphis dedicated in 1827. This right-of-way is bounded by Front Street to the east and a Illinois Central Rail line and the Mississippi River to the west.

Street Characteristics:

This right-of-way contains approximately sixteen (16.5') feet of right-of-way width and one hundred and forty eighty (148') feet of depth totaling two thousand four hundred and fifty (2,450) square feet of area.

This request is being made for the purposes of property consolidation. The applicant is the property owner of the adjacent lots to the north and south of this right-of-way. This alley primarily serves as access to the adjacent lots to the north and south. There is no availability for thru traffic to proceed westwardly due to the proximity of Illinois Central Railroad adjacent to the Mississippi River. During the early nineteen hundreds (1900's) the U.S. Army Corp of Engineers erected an eighteen (18') foot concrete retaining wall along the western boundary of this street right-of-way preventing any future street extensions. It has not been utilized for vehicular traffic for over seventy (70) years and currently terminates into the Illinois Central Railroad adjacent to the Mississippi River. It only provides access to the adjacent properties to the north and south of the proposed closure area. At one time, this right-of-way was planned as a thru street connection to connect to the west. However, the travel demand never warranted right-of-way improvements for the street extension. This closure is recommended for approved due to the lack of utilization by the public.

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.

LUCB 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

Planning District:	Downtown Medical-Center
Census Tract:	23
Municipal Annexation Reserve Area:	City of Memphis Corporate boundaries
Zoning Atlas Page:	1930

DEPARTMENTAL COMMENTS:

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

City Engineer:

Street Closures:

4. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
5. 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.
6. 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 comment from Water Quality Branch.
City Board of Education:	No comments received.
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

- 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.

Bell South / Millington Telephone: No comments received.

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

OPD-Regional Services:

This application was reviewed by the MPO staff/Department of Regional Services on January 3, 2008. 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.

SW-CMc