

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT # 7**

CASE NUMBER: SAC 07-616 **L.U.C.B. MEETING:** December 13, 2007

STREET NAME: Dunlap Alley Street Closure

LOCATION: ±127.03 feet west of Dunlap Street

APPLICANT: FPC Realty

REPRESENTATIVE: Charles Goforth

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

AREA OF R.O.W.: **1,575 square feet**

LENGTH X WIDTH: **157' x 10'**

SURROUNDING LAND USE & ZONING: Industrial and Residential ~ Light Industrial (I-L)
District and Single Family Residential (R-S6) District

North: Southern Steel Supply Company ~ Light Industrial (I-L) District

East: Southern Steel Supply Company ~ Single Family Residential (R-S6) District

South: Single family dwellings and Southern Steel Supply Company ~ Single Family Residential
(R-S6) District

West: Single family dwellings and Southern Steel Supply Company ~ Single Family Residential
(R-S6) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

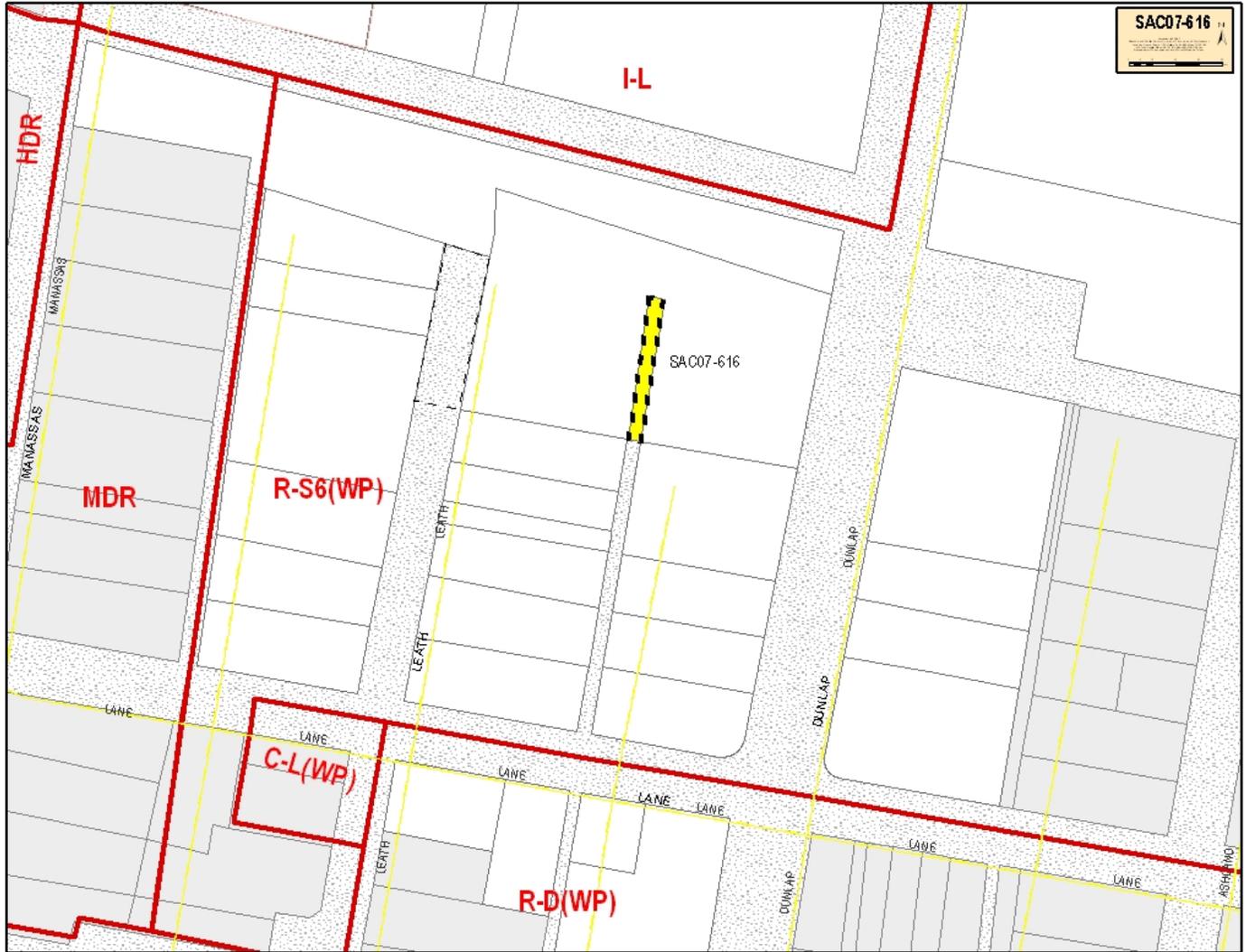
Approval with Conditions

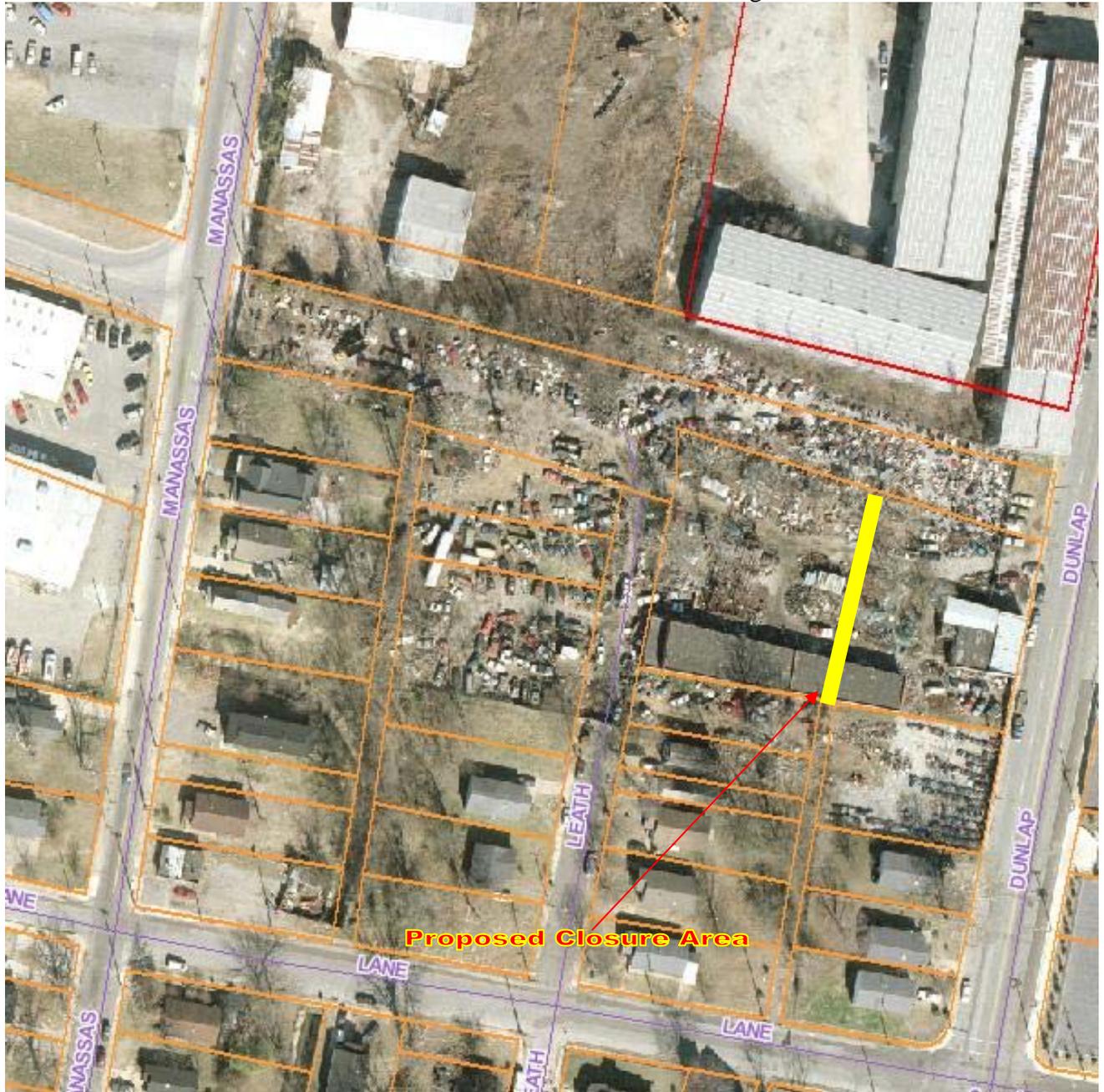
Staff Writer: Carlos B. McCloud

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

CONCLUSIONS

1. The subject right-of-way is located in the Downtown/Medical Center Planning District, approximately one hundred and twenty seven (127') feet west of Dunlap Street. This area is zoned in the Single Family Residential (R-S6) District. This area was platted for residential use in 1895 as a result of the W.G. Lane's Subdivision. However, over time this site as well as the area to the north converted to nonresidential uses. The last known use of this site was motor vehicle salvage yard. This motor vehicle salvage yard use operated without utilizing the subject right-of-way as means for access.
2. The subject right-of-way was dedicated as an alleyway containing ten (10') feet of right-of-way width and three hundred and fifty eight (358') feet in length. However, the request is to close only one hundred and fifty seven (157') feet in length. The total closure area contains one thousand five hundred and seventy five (1,575) square feet of area. The closure area has been fenced into the site and two buildings have been constructed over the alley.
3. There are approximately eight (8) residential dwellings located to the south of this closure area that have access to the southern portion of the alley which is not being requested for closure. When the motor vehicle salvage yard was in operation, a metal fence screened this use from the adjacent residential uses. The adjacent neighbor to the north, Southern Steel Supply Company has purchased the former motor vehicle salvage yard site and has filed an planned development application for site plan approval for the expansion of their facilities.
4. As previously mentioned, Southern Steel Supply Company has recently acquired the former salvage site and has had the salvage automobiles removed. This request is being made for the purpose of property consolidation. 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. 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 an unimproved alley; it has not been utilized for pedestrian or vehicular traffic for some time.







Proposed Closure Area

STAFF ANALYSIS

Site Area Description:

The subject right-of-way is located in the Downtown/Medical Center Planning District, approximately one hundred and twenty seven (127') feet west of Dunlap Street. This area is zoned in the Single Family Residential (R-S6) District. This area was platted for residential use in 1895 as a result of the W.G. Lane's Subdivision. However, over time this site as well as the area to the north converted to nonresidential uses. The last known use of this site was motor vehicle salvage yard. This motor vehicle salvage yard use operated without utilizing the subject right-of-way as means for access.

Street Characteristics:

The subject right-of-way was dedicated as an alleyway containing ten (10') feet of right-of-way width and three hundred and fifty eight (358') feet in length. However, the request is to close only one hundred and fifty seven (157') feet in length. The total closure area contains one thousand five hundred and seventy five (1,575) square feet of area. The closure area has been fenced into the site and two buildings have been constructed over the alley.

There are approximately eight (8) residential dwellings located to the south of this closure area that have access to the southern portion of the alley which is not being requested for closure. When the motor vehicle salvage yard was in operation, a metal fence screened this use from the adjacent residential uses. The adjacent neighbor to the north, Southern Steel Supply Company has purchased the former motor vehicle salvage yard site and has filed an planned development application for site plan approval for the expansion of their facilities.

As previously mentioned, Southern Steel Supply Company has recently acquired the former salvage site and has had the salvage automobiles removed. This request is being made for the purpose of property consolidation. 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. 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 an unimproved alley; it has not been utilized for pedestrian or vehicular traffic for some time.

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: 24
Municipal Annexation Reserve Area: Memphis City Limits
Zoning Atlas Page: 1930

DEPARTMENTAL COMMENTS:

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

City Engineer:

Street Closures:

1. Consideration should be given to closing the entire alley, if no one else takes access from it.
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 comments.

City Real Estate: No comments received.

City/County Health Department: The Water Branch has no comments.

City Board of Education: This case does not have a 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:

- 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.
 - 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 serve any proposed or future development(s).
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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
 - 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 November 19, 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.

Mid-Inner City:

Dixie Homes R.A.:

SW-CMc



NOTICE OF PUBLIC HEARING

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
125 NORTH MAIN STREET, ROOM 476 MEMPHIS, TENNESSEE
PHONE (901) 576-6619 WEB SITE: <http://www.dpdgov.com>

TO ALL INTERESTED PROPERTY OWNERS

The Memphis and Shelby County Land Use Control Board will hold a public hearing on the following **Alley/Street Closure/Vacation** application.

CASE NUMBER: SAC 07-616

STREET NAME: Dunlap Alley Street Closure

LOCATION: ±127.03 feet west of Dunlap Street
(SEE MAP ON REVERSE SIDE)

APPLICANT: FPC Realty

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

AREA of R.O.W.: 1,575 sq. ft.

LENGTH x WIDTH of R.O.W.: 10' x 157'

THE PUBLIC HEARING WILL BE HELD

LOCATION: City Hall Council Chambers
125 North Main Street

DATE: Thursday, December 13, 2007

TIME: After 10:00 a.m.

You are invited to appear at the hearing, write the Board at the address at the top of this notice or by e-mail to Mr. Carlos McCloud at carlos.mccloud@cityofmemphis.org stating the reasons for your support or opposition to the request. The Board may consider an amended plat of street closure/vacation which differs from the plan shown on the reverse side without renotification. Differences may pertain to the area, length and width the alley/street or to other features of the closure. The Land Use Control Board may recommend approval, approval with conditions, or rejection of the street closure application or continue the public hearing.

You may call 576-6619 prior to the hearing to determine if the request is still scheduled to be heard by the Board or if you have any questions concerning this notice or the request.



Memphis and Shelby County
Office of Planning and Development

CITY HALL 125 NORTH MID AMERICA MALL MEMPHIS, TENNESSEE 38103-2084 (901) 576-6619

November 7, 2007

OPD FILE #: SAC 07-616

Dear :

The Memphis and Shelby County Land Use Control Board on December 13, 2007 recommended approval your alley street closure/vacation application located at/on +127.03 feet west of Dunlap Street subject to the following variance, conditions and design changes:

L.U.C.B. VARIANCE

L.U.C.B. CONDITIONS

A revised plat shall be submitted to this office, within 30 days, incorporating any modifications to the plat approved by the Board. Upon receipt of the modified plat, the recommendations of the Board and staff will be forwarded to the County Commission and City Council for final action. Your application shall be deemed withdrawn if the modified plat is not received within the thirty day time period.

The recommendations of the Board and staff will be forwarded to the City Council for final action. The City Council's Planning and Zoning Committee will review this case in detail approximately seven days prior to the public hearing. You should plan to attend both the committee meeting and public hearing. Failure to appear at either meeting may result in delays for your project.

If you have questions regarding this matter, please contact Mr. Renner Ms. Pounder at (901) 576-6619.

Sincerely,

Sheila Pounder Burk Renner, AICP for
Mary L. Baker, Deputy Director
Office of Planning and Development

BR/br

cc: City Engineer's Office - Connie Williams
County Engineer's Office - Bob Evans
MLGW Distribution Engineering - Melanie Fortner Runyon
City Real Estate - Agnes Martin