

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT

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CASE NUMBER: SAC 07-618 **L.U.C.B. MEETING:** January 10, 2008

DEVELOPMENT NAME: **Resources Drive Closure**

LOCATION: Resources Drive beginning on the east side of
Sycamore View Road and west side of Dovecrest
Road

OWNER OF RECORD / APPLICANT: Kenneth Hunt

EQUITABLE OWNER / APPLICANT: Rodney C. Hubbard

REPRESENTATIVE: Michael Fahy ~ Prime Development Group, Inc.

REQUEST: Street Closure

AREA of R.O.W.: 17,130 square feet

LENGTH x WIDTH: **285' x 60'**

EXISTING LAND USE & ZONING: Street right-of-way ~ Single Family Residential
(R-S8) District

SURROUNDING LAND USE & ZONING:

North: Office and single family dwellings ~ Planned Commercial (C-P), General Office (O-G)
and Single Family Residential (R-S8) District

East: Office and single family dwellings ~ General Office (O-G) and Single Family Residential
(R-S8) District

South: Office and single family dwellings ~ Single Family Residential (R-S8) District

West: Office ~ Light Industrial (I-L) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

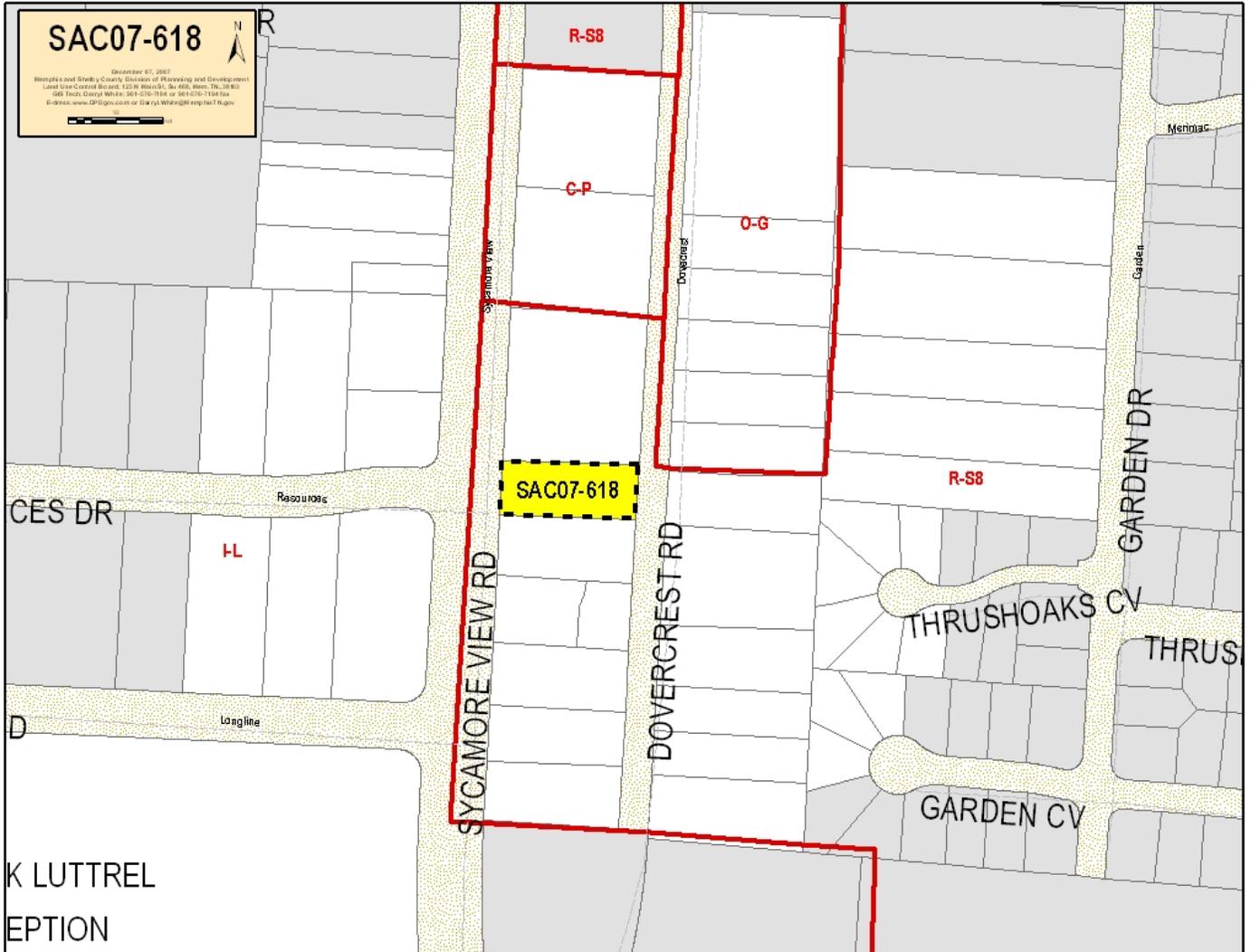
Approval with Conditions

Staff Writer: Carlos B. McCloud

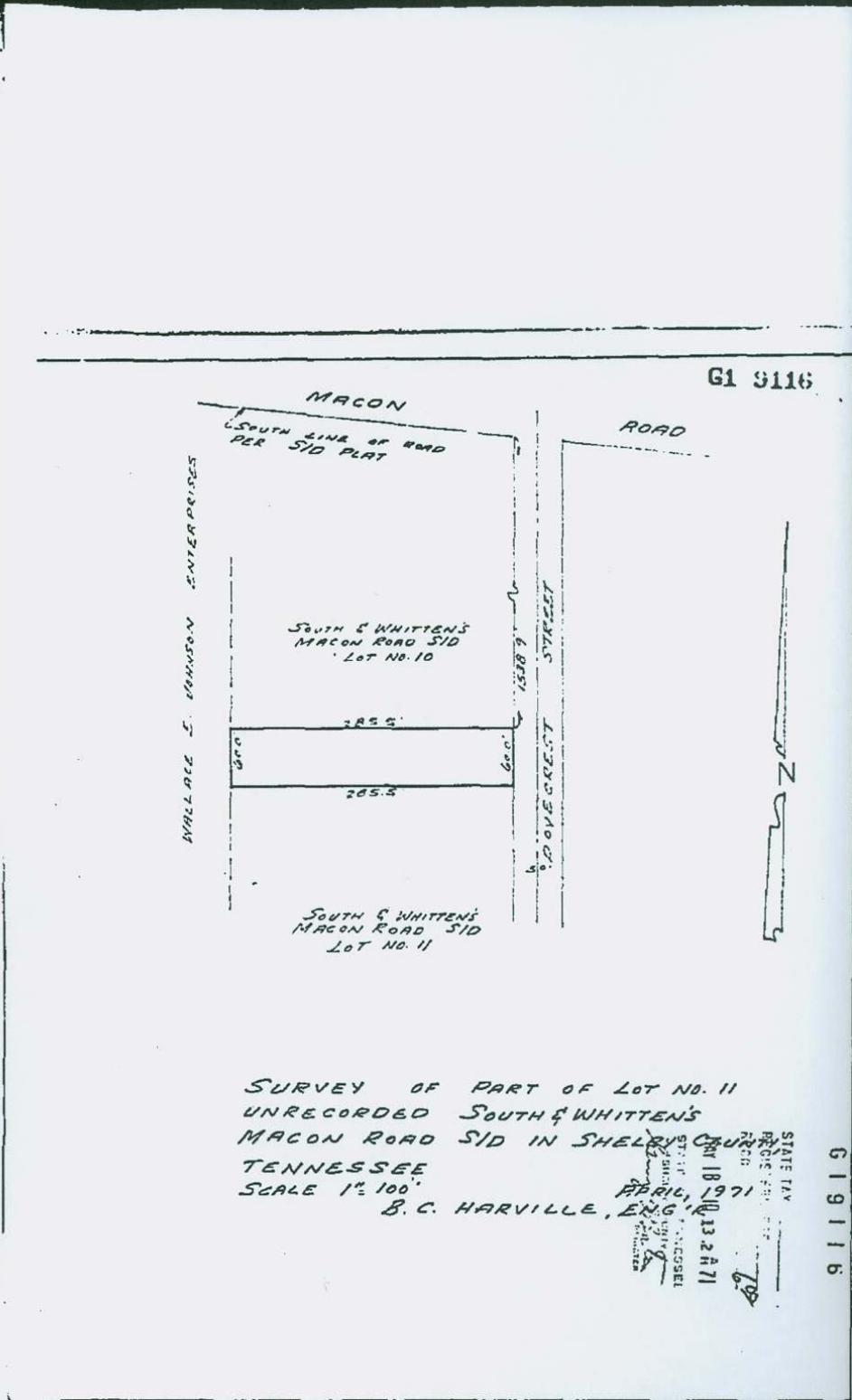
E-mail Address: carlos.mccloud@memphistn.gov

Conclusions:

1. The subject right-of-way is located in the Shelby-Farms Germantown Planning District, on the east side of Sycamore View Road and west side of Dovecrest Road. This area is zoned in the Single Family Residential (R-S8) District. This area is currently a vacant unimproved right-of-way. It was dedicated by deed in 1971. All of the area was dedicated from **Lot 11** of the Unrecorded South and Whitten's Macon Road Subdivision. The area north of this site is located on **Lot 10** as shown on page 4 and 5.
2. This right-of-way contains sixty (60') feet of right-of-way width and two hundred and eighty (285') feet of depth with a total lot of seventeen thousand one hundred and thirty (17,130) square feet of area. This request is being made for the purposes of property consolidation. The applicants are the owners of the adjacent lots to the north and south of this right-of-way. There is no physical street within the right-of-way to be closed. To date, this street exists as a paper street; it has never been utilized for pedestrian or vehicular traffic. It only provides access to the adjacent properties to the north and south of the proposed closure area. At one time, Resources Drive was planned as a thru street connection to connect Sycamore View Road and Dovecrest Road. However, over time the travel demand has not warranted right-of-way improvements for the street extension.
3. This closure is recommended for approval. The right-of-way was dedicated from **Lot 11**(south of the right-of-way) and not **Lot 10**(north of the right-of-way) and according to the street closure policies the right-of-way would be Quit Claim back to the original owners from where it was dedicated from. However, the property owners for both the lots located to the north and south are making this request. It is recommended that the property owner of **Lot 11** submit a letter to the Office of Planning and Development as well as the City of Memphis Real Estate Office requesting that half of the right-of-way be Quit Claimed to the property owner of **Lot 10**.



Tom Leatherwood, Shelby County Register of Deeds: Instr # G19116



Tom Leatherwood, Shelby County Register of Deeds: Instr # G19116



G1 9116
(4)

DEED OF DEDICATION

This Indenture made and entered into this 13th day of May, 1971, by and between WALLACE E. JOHNSON and wife, ALMA JOHNSON, hereinafter referred to as first party, and the COUNTY OF SHELBY, one of the Counties of the State of Tennessee, hereinafter referred to as second party:

WITNESSETH, That:

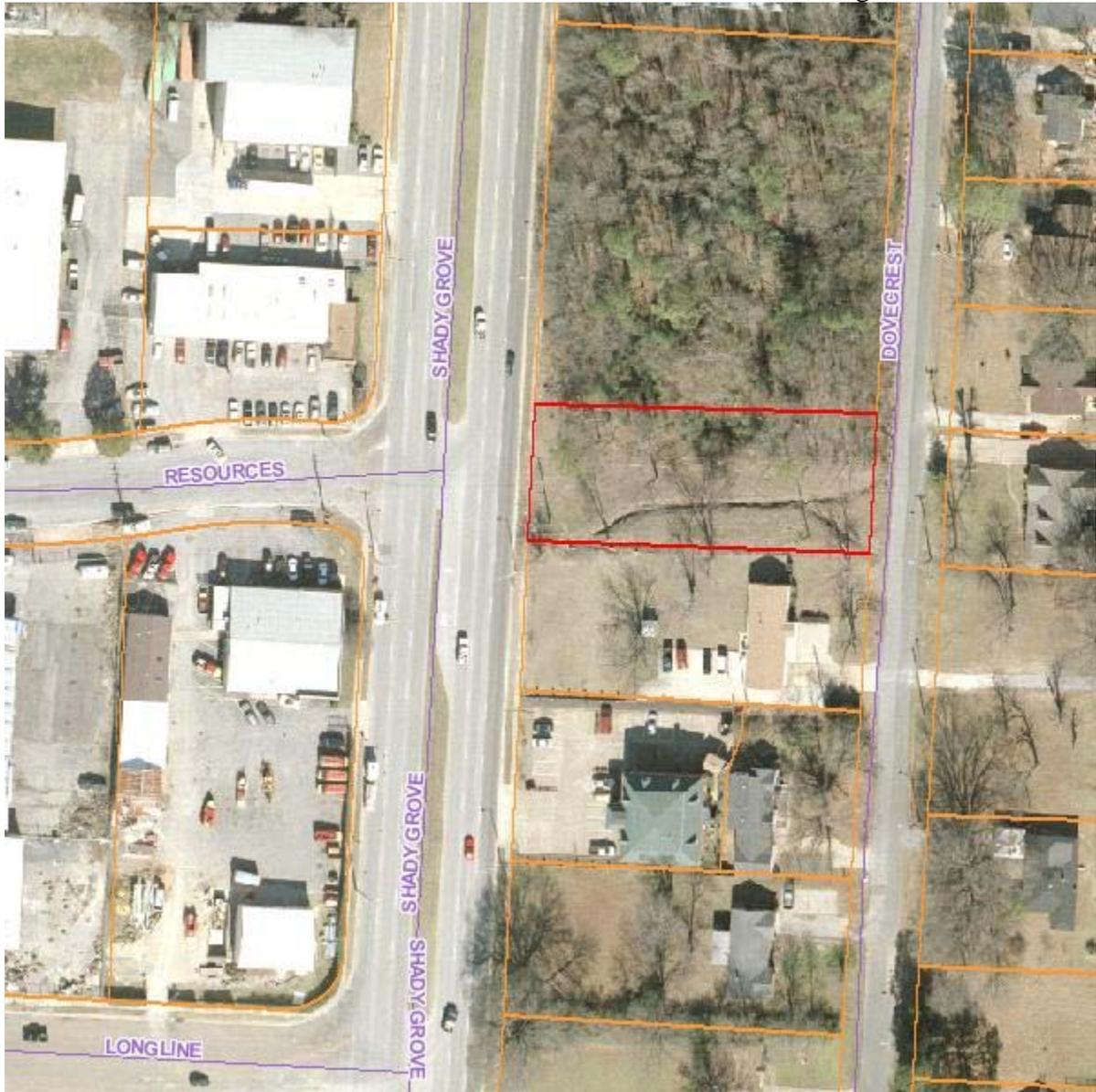
For and in consideration of the sum of One (\$1.00) Dollar and other good and valuable considerations, first party does hereby dedicate for the purpose of a public street and highway, and does hereby bargain sell, convey and confirm unto the second party the following described land located in the County of Shelby, State of Tennessee, to-wit:

Part of Lot 11 of the Unrecorded South and Whitten's Macon Road Subdivision in Shelby County, Tennessee, and more particularly described by metes and bounds as follows:

Beginning at a point in the west line of Dovecrest Drive and in the line dividing lots 10 and 11 of said subdivision; thence westwardly along said divisional line a distance of 285.5 feet to a point; thence southwardly parallel to Dovecrest Drive a distance of 60 feet to a point; thence eastwardly parallel to the north line of lot 11 of said subdivision a distance of 285.5 feet to a point in the west line of Dovecrest Drive; thence northwardly along said west line a distance of 60 feet to the point of beginning.

Subject to all existing easements for public utilities.

TO HAVE AND TO HOLD the above described land unto the second party, its successors and assigns.



STAFF ANALYSIS

Site Area Description:

The subject right-of-way is located in the Shelby-Farms Germantown Planning District, on the east of Sycamore View Road and west of Dovecrest Road. This area is zoned in the Single Family Residential (R-S8) District. This area is currently a vacant unimproved right-of-way. It was dedicated by deed in 1971. All of the area was dedicated from **Lot 11** of the Unrecorded South and

Whitten's Macon Road Subdivision. The area north of this site is located on **Lot 10** as shown on page 4 and 5.

Street Characteristics:

This right-of-way contains sixty (60') feet of right-of-way width and two hundred and eighty (285') feet of depth totaling seventeen thousand one hundred and thirty (17,130) square feet of area.

This request is being made for the purposes of property consolidation. The applicants are the owners of the adjacent lots to the north and south of this right-of-way. There is no physical street within the right-of-way to be closed. To date this street exists as a paper street; it has never been utilized for pedestrian or vehicular traffic. It only provides access to the adjacent properties to the north and south of the proposed closure area. At one time Resources Drive was planned as a thru street connection to connect Sycamore View Road and Dovecrest Road, however over time the travel demand has not warranted right-of-way improvements for the street extension.

This closure is recommended for approval. The right-of-way was dedicated from **Lot 11**(south of the right-of-way) and not **Lot 10**(north of the right-of-way) and according to the street closure policies the right-of-way would be Quit Claim back to the original owners from it was dedicated from. However, the property owners for both the lots located to the north and south are making this request. It is recommended that the property owner of **Lot 11** submit a letter to the Office of Planning and Development as well as the City of Memphis Real Estate Office requesting that half of the right-of-way be Quit Claim to the property owner of **Lot 10**.

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

Street Frontage: 60' Sycamore View Road and Dovecrest Road
Planning District: **Shelby Farms-Germantown**
Census Tract: 213
Annexation Reserve Area: Memphis City Limits
Zoning Atlas Page: **1945**

DEPARTMENTAL COMMENTS

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

Office of Planning & Development:

Within the City of Memphis reserve area, the owner(s) of property who petition for connection to the City's sanitary sewer system to serve their property shall at that time consent to, petition and request the annexation of such property by the City of Memphis, with said annexation to take place at such time as the City may deem appropriate pursuant to state law. Until such time as annexation occurs, the owner(s) shall agree not to seek either incorporation as a separate entity nor annexation to any other incorporated area.

The consent to annexation shall be incorporated as part of the City of Memphis Land Development and/or Sewer Contract(s). At the time the Sewer/Land Development Contract is entered into, the property owner shall submit his petition for annexation to the City.

The above-described consent to annexation by the City of Memphis shall be made a restrictive covenant imposed by the property owner(s) upon the property, which shall run with the land shall be binding upon all heirs, successor and assigns. Such covenant shall be recorded in the Office of the Shelby County Register, and it shall be the duty of the original property owner and all subsequent property owners to disclose the existence of said covenant to any parties to whom the property or a portion thereof is conveyed. Reference to such recorded covenant shall be evidenced on any final plat or plan of development prior to the recordation of said plat or plan in the Office of the Shelby County Register.

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.

County Engineer:

County Fire Department: No comments received.

County Real Estate: No comments received.

City/County Health Department: No comments from Water Quality Branch.

County 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, 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 Millington:

Rosemark Civic Club:

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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

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** application.

CASE NUMBER: SAC 07-618

DEVELOPMENT NAME: Resources Drive Closure

LOCATION: Beginning on the east of Sycamore View Road and west of Dovecrest Road (SEE MAP ON REVERSE SIDE)

APPLICANT: Kenneth Hunt

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

AREA of ROW: 17, 130 square feet **LENGTH x WIDTH OF R.O.W.:** 60' x 800' feet

THE PUBLIC HEARING WILL BE HELD

LOCATION:	City Hall Council Chambers 125 North Main Street
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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 electronic mail to Mr. Carlos McCloud, Senior Planner, at carlos.mccloud@cityofmemphis.org stating the reasons for your support or opposition to the request.

The Board may consider an amended plan of subdivision which differs from the plan shown on the reverse side without renotification. Differences may pertain to the number of lots, the location of streets or to other features of the plan shown on the reverse side. The Board following the hearing may approve the plan of subdivision, approve it with conditions, deny approval 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.