



Memphis and Shelby County
Office of Planning and Development

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

MEMORANDUM

TO: Agnes Martin, City Real Estate

FROM: Carlos B. McCloud, Senior Planner ~ Land Use Controls

DATE: August 16, 2006

SUBJECT: **Kansas Street Closure**

Please prepare a resolution consistent with the action taken by the Memphis and Shelby County Land Use Control Board on August 10, 2006.

Please find attached copies of the staff report, plat and legal description.

If you need further information, please call.

This is a request for a two year (2) time extension. This case was approved by the Memphis City Council on October 03, 2006. The applicant has not been able to complete the planning and work before the three hundred and sixty five (365) day deadline. The applicant is requesting additional time to complete the project.

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

CASE NUMBER: SAC 06-618 **L.U.C.B. MEETING:** August 10, 2006

STREET NAME: Kansas Street Closure

LOCATION: Kansas Street; between Georgia Avenue and W. Carolina Avenue

APPLICANT: Georgia Riverside, LLC

REPRESENTATIVE: Terry A. Lynch

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

AREA: 6,502 Square Feet

EXISTING LAND USE & ZONING: City of Memphis right-of-way ~ Bluffview Residential (R-B) District

SURROUNDING LAND USE & ZONING:

North: Multiple family lots ~ Bluffview Residential (R-B) District

East: Office-warehouse uses ~ Bluffview Residential (R-B) District

South: Single family lots ~ Bluffview Residential (R-B) District

West: Office-warehouse uses ~ Bluffview Residential (R-B) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

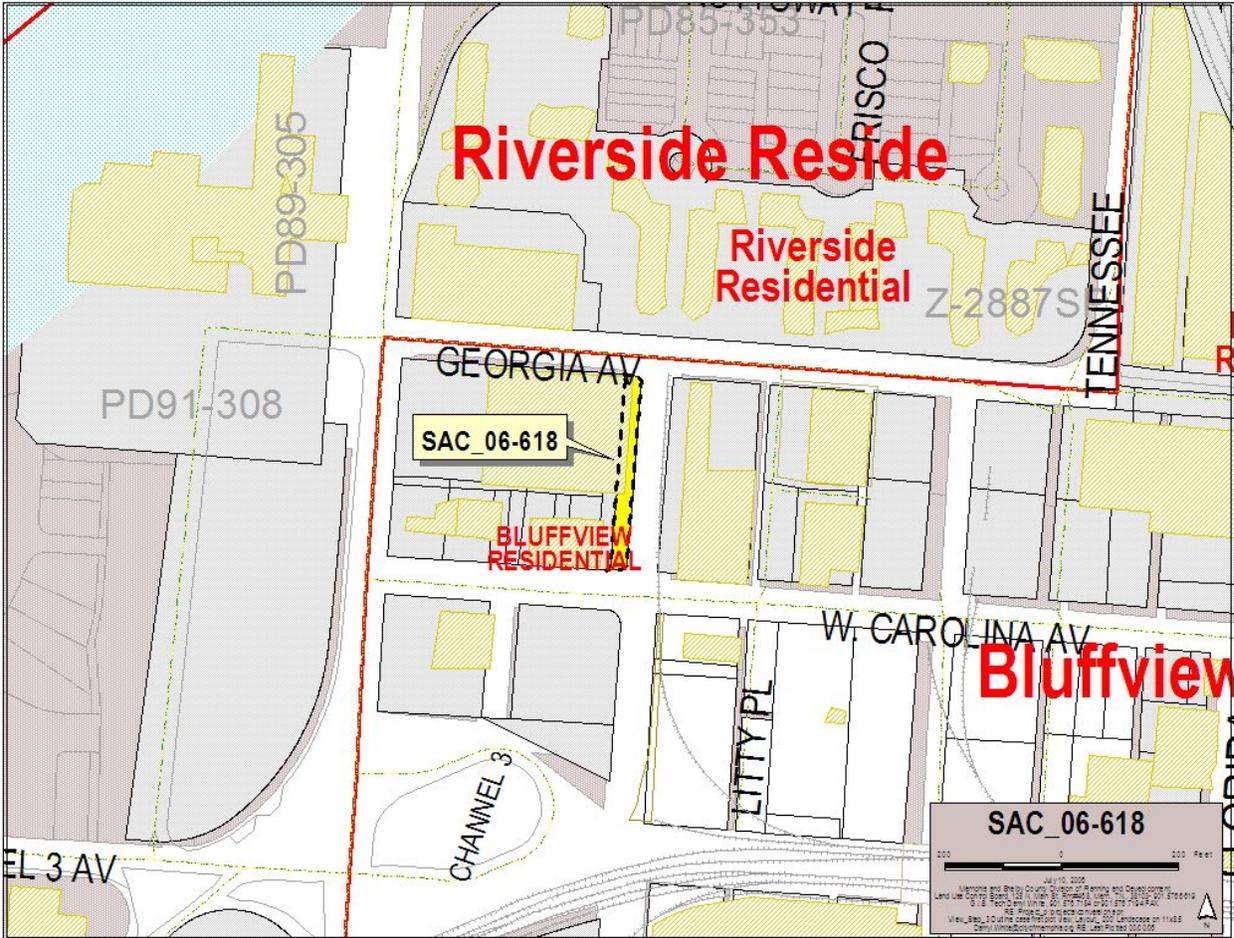
Approval with Conditions

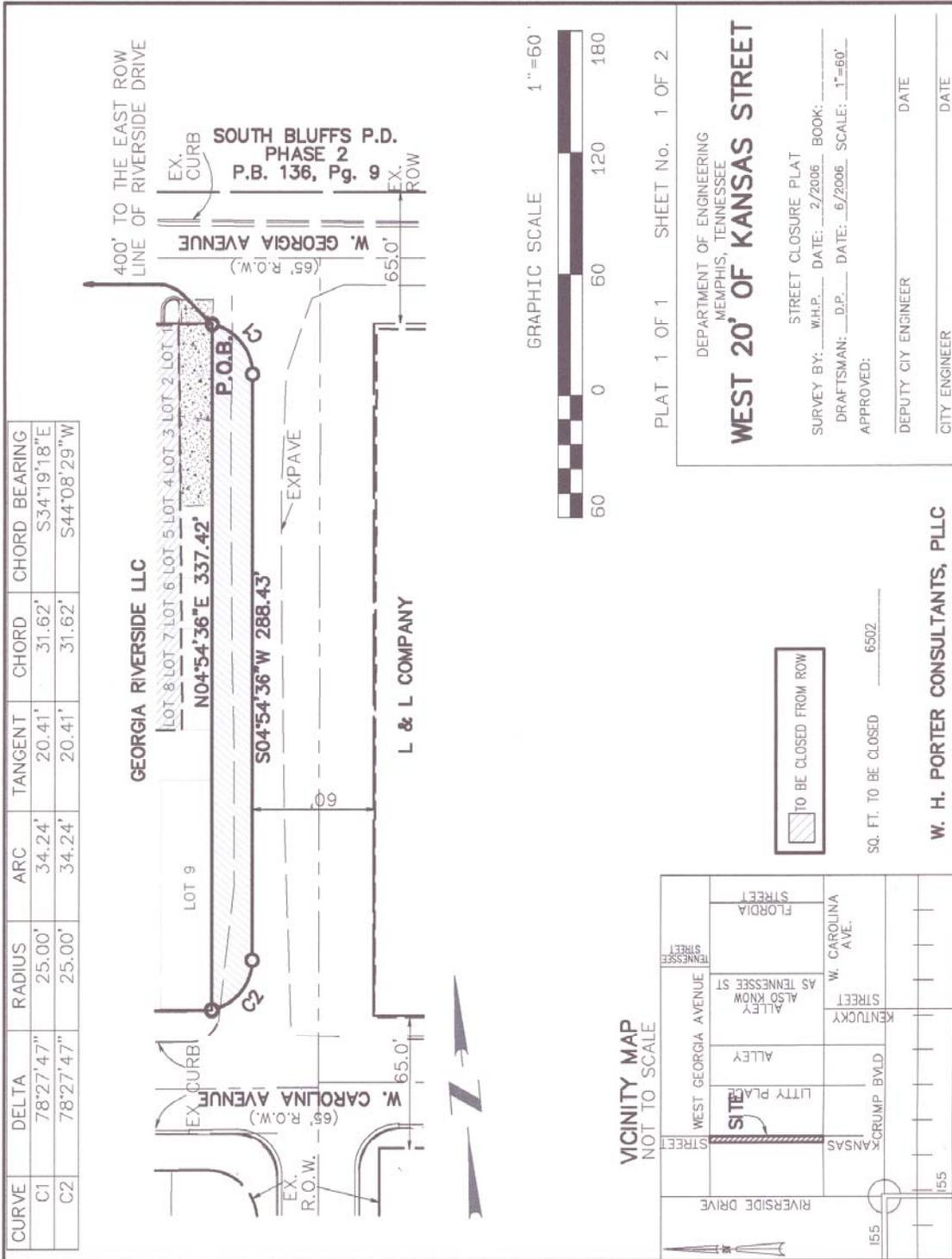
CONCLUSIONS

This Bluffview Residential (R-B) District is a sub area of the South Central Business Improvement (SCBID) District. This area has transitioned from an industrial area to a residential and neighborhood commercial area. The purpose and intent of this district is to encourage housing, first floor retail, and corner store type neighborhood commercial establishments indicative of mixed-use districts. The variety of land uses will increase the level of pedestrian oriented activity and promote the “walkable community” design. A typical streetscape with planting strip and sidewalk is ten (10’) feet wide. Kansas Street contains over eighty (80’) feet of right-of-way. The Kansas right-of-way located to the south between Carolina Avenue and Railroad Avenue has reduced to a sixty (60’) foot right-of-way as a result of SAC **05-60 and SAC 06-606**. This request would be consistent with previously approved closures in the area.

The City Engineering staff is recommending, as matter of equity, that the excess closure area right-of-way along Kansas Street be centered on the right of way. Therefore, only 10 feet of closure shall be permitted on the west side of the street with the remainder released on the east side of the L&L Company.

The applicant is requesting a twenty (20’) foot closure of right-of-way width along the western portion of Kansas Street, this will reduce the right-of-way of Kansas Street from eighty (80’) feet to sixty (60’) feet. Although, the adjacent property owner (L & L Company) is not part of this application it is recommended that the right-of-way be reduced proportionally, unless the applicant can obtain a letter from the adjacent property owner (L&L Company) agreeing to waive their right to one-half (½) of the right-of-way and allowing the applicant to claim all the excess right-of-way as filed.





STAFF ANALYSIS

Site Area Description:

The subject right-of-way is located within the Downtown Medical Center Planning District, on Kansas Street; between Georgia Avenue and W. Carolina Avenue. The surrounding area is zoned in the Bluffview Residential (R-B) District. The South Bluff Residential Community is located directly north of this site. Kansas Street (between Carolina Avenue and Railroad Avenue) is located within The Fort Pickering Subdivision. The Fort Pickering Subdivision was developed around the early 1900's. During the early development of downtown Memphis the bluff area was the location for many industries and residential dwellings for workers who were employed by these industries. The street network was heavily utilized.

As the City of Memphis corporate boundaries expanded and other residential areas developed this area catered more to industries like office-warehouse uses that took advantage of the availability to major transportation routes (railroad, interstate and the Mississippi River). This area contained wider street right-of-ways to accommodate not only tractor trailer truck traffic but also public transportation (trolley and bus).

This Bluffview Residential (R-B) District is a sub area of the South Central Business Improvement (SCBID) District. This area has transitioned from an industrial area to a residential and neighborhood commercial area. The purpose and intent of this district is to encourage housing, first floor retail, and corner store type neighborhood commercial establishments indicative of mixed-use districts. The variety of land uses will increase the level of pedestrian oriented activity and promote the "walkable community" design. A typical streetscape with planting strip and sidewalk is ten (10') feet wide. Kansas Street contains over eighty (80') feet of right-of-way. The Kansas right-of-way located to the south between Carolina Avenue and Railroad Avenue has reduced to a sixty (60') foot right-of-way as a result of SAC **05-60 and SAC 06-606**. This request would be consistent with previously approved closures in the area.

The City Engineering staff is recommending, as matter of equity, that the excess closure area right-of-way along Kansas Street be centered on the right of way. Therefore, only 10 feet of closure shall be permitted on the west side of the street with the remainder released on the east side of the L&L Company.

The applicant is requesting a twenty (20') foot closure of right-of-way width along the western portion of Kansas Street, this will reduce the right-of-way of Kansas Street from eighty (80') feet to sixty (60') feet. Although, the adjacent property owner (L & L Company) is not part of this application it is recommended that the right-of-way be reduced proportionally, unless the applicant can obtain a letter from the adjacent property owner (L&L Company) agreeing to waive their right to one-half (1/2) of the right-of-way and allowing the applicant to claim all the excess right-of-way as filed.

L.U.C.B. Conditions

1. The closure shall be centered on the right-of-way so ten (10') feet is closed on the west side of Kansas Street and ten (10') feet is closed on the east side of the street.
2. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
3. City sanitary sewers/drainage facilities are located within the proposed closure area.
4. 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.
5. The applicant shall comply with all conditions of the closure within 365 days of the conditional approval of the closure by the City Council.
6. The applicant shall improve the entire street frontage of Kansas Street with a minor collector cross section of sixty (60') feet of right-of-way and forty (40') feet of pavement with curbs, gutters and ten (10') foot wide sidewalks and street trees with planting grates, all to the satisfaction of the City Engineer and in the accordance with the Subdivision Regulations.

GENERAL INFORMATION

Planning District: Downtown-Medical Center
Census Tract: 43
Municipal Annexation Reserve Area: Memphis City Limits
Zoning Atlas Page: 2025

DEPARTMENTAL COMMENTS:

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

City Engineer:

1. The closure of excess right-of-way on Kansas Street shall be centered on the right of way, per the City Engineer. Therefore, only 10 feet of closure shall be permitted on the west side of the street with the remainder released on the east side of the L&L Company.

Street Closure:

2. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
3. City sanitary sewers/drainage facilities are located within the proposed closure area.
4. 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.
5. The applicant shall comply with all conditions of the closure within 365 days of the conditional approval of the closure by the City Council
6. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis drainage Design Manual.
7. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.

City Fire Division: No comments.

City Real Estate: No comments received.

City/County Health Department: No comments.

City Board of Education: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Bell South / Millington Telephone: No comments received.

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

OPD-Regional Services: No comments received.

OPD-Plans Development: No comments.

Neighborhood Associations: None contacted.

OPD-LUC:

1.

Madame

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 06-618

STREET NAME: Kansas Street Closure

LOCATION: Kansas Street; between Georgia Avenue and W. Carolina Avenue
(SEE MAP ON REVERSE SIDE)

APPLICANT: Georgia Riverside, LLC

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

AREA: 6,502 Square Feet

THE PUBLIC HEARING WILL BE HELD

LOCATION: City Hall Council Chambers
125 North Main Street

DATE: Thursday, August 10, 2006

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. Burk Renner, Principal Planner at burk.renner@cityofmemphis.org, 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

August 18, 2006

OPD FILE #: **SAC 06-618**

Dear Mr. Lynch:

The Memphis and Shelby County Land Use Control Board on August 10, 2006 recommended approval your street closure application located at Kansas Street; between Georgia Avenue and W. Carolina Avenue; subject to the following conditions:

L.U.C.B. Conditions

1. The closure shall be centered on the right-of-way so ten (10') feet is closed on the west side of Kansas Street and ten (10') feet is closed on the east side of the street.
2. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
3. City sanitary sewers/drainage facilities are located within the proposed closure area.
4. 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.
5. The applicant shall comply with all conditions of the closure within 365 days of the conditional approval of the closure by the City Council.
6. The applicant shall improve the entire street frontage of Kansas Street with a minor collector cross section of sixty (60') feet of right-of-way and forty (40') feet of pavement with curbs, gutters and ten (10') foot wide sidewalks and street trees with planting grates, all to the satisfaction of the City Engineer and in the accordance with the Subdivision Regulations.

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 City of Memphis Real Estate Office who prepares the resolution and quick claim deeds for right-of-way transfers. Once the resolution is returned to O.P.D. staff the case will then be forwarded to the appropriate governing body (County Commission and/or 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. McCloud at (901) 576-6619.

Sincerely,

Carlos B. McCloud for
Mary L. Baker, Deputy Director
Office of Planning and Development

cc: City Engineer's Office – Jack Stevenson
MLGW Distribution Engineering - Melanie Fortner Runyon
City Real Estate - Agnes Martin

**CITY OF MEMPHIS
COUNCIL AGENDA- CHECK OFF SHEET**

ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS

Planning & Zoning - Planning & Development
DIVISION
COMMITTEE:
DATE
PUBLIC SESSION:
DATE

ITEM (CHECK ONE)
 ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE/AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

=====

ITEM DESCRIPTION: A resolution approving a two (2) year time extension for a closure of a public street and vacation of said right-of-way for public use. The following item was heard by the Land Use Control Board and a recommendation was made.

CASE NUMBER: SAC 06-618 Kansas Street

LOCATION: Between Georgia Avenue and West Carolina Avenue

APPLICANT: Georgia Riverside, LLC

EQUITABLE OWNER: Southland Develop Partner of Memphis

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

AREA: 6,502 Square Feet WIDTH X LENGTH of R.O.W.: 20' x 387'

EXISTING LAND USE & ZONING: Street right-of-way ~ Bluffview Residential (R-B) District

RECOMMENDATION: Office of Planning and Development: Approval with Conditions
Land Use Control Board: Approval with Conditions

RECOMMENDED COUNCIL ACTION: Public Hearing Date: August 19, 2008

PRIOR ACTION ON ITEM:

APPROVAL - (1) APPROVED (2) DENIED
DATE
ORGANIZATION - (1) BOARD / COMMISSION
(2) GOV=T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ AMOUNT OF EXPENDITURE
\$ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ OPERATING BUDGET
\$ CIP PROJECT #
\$ FEDERAL/STATE/OTHER

Table with 3 columns: ADMINISTRATIVE APPROVAL, DATE, POSITION. Rows include SENIOR PLANNER, DEPUTY DIRECTOR, DIRECTOR, DIRECTOR (JOINT APPROVAL), COMPTROLLER, FINANCE DIRECTOR, CITY ATTORNEY, CHIEF ADMINISTRATIVE OFFICER, COUNCIL CHAIRMAN.

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT
TO THE ZONING ORDINANCE OF THE CITY OF MEMPHIS**

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE COUNCIL OF THE CITY OF MEMPHIS IN THE COUNCIL CHAMBERS, FIRST FLOOR, CITY HALL, 125 NORTH MAIN STREET, MEMPHIS, TENNESSEE, ON TUESDAY _____ AT 3:30 P.M. IN THE MATTER OF AMENDING THE ZONING ORDINANCE OF THE CITY OF MEMPHIS, BEING CHAPTER 28, ARTICLE IV OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TENNESSEE, AS AMENDED, AS FOLLOWS:

CASE NUMBER: SAC 06-618 Kansas Street
LOCATION: Between Georgia Avenue and West Carolina Avenue
APPLICANT: Georgia Riverside, LLC
EQUITABLE OWNER: Southland Develop Partner of Memphis
REQUEST: Close & Vacate Street/Alley Street Right-Of-Way
AREA: 6,502 Square Feet WIDTH X LENGTH of R.O.W.: 20' x 387'
EXISTING LAND USE & ZONING: Street right-of-way ~ Bluffview Residential (R-B) District

NOW, THEREFORE, you will take notice that on Tuesday, the _____ day of _____, 200_, at 3:30 p.m. the Council of the City of Memphis will be in session at the City Hall to hear remonstrances or protests against the making of such Amendment. Such remonstrances or protests may be by personal appearance, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

THIS THE _____, _____.

SCOTT MCCORMICK
CHAIRMAN OF COUNCIL

ATTEST:

REBBECA KISSINGER
CITY COMPTROLLER

LAND USE CONTROL BOARD RECOMMENDATION

CASE #: SAC 06-618

At its regular meeting April 13, 2006, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application requesting a street/alley closure on the property described as follows:

CASE NUMBER: SAC 06-618 Kansas Street

LOCATION: Between Georgia Avenue and West Carolina Avenue

APPLICANT: Georgia Riverside, LLC

EQUITABLE OWNER: Southland Develop Partner of Memphis

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

AREA: 6,502 Square Feet WIDTH X LENGTH of R.O.W.: 20' x 387'

EXISTING LAND USE & ZONING: Street right-of-way ~ Bluffview Residential (R-B) District

The following spoke in support of the application:

This case past on the Consent Agenda.

There was no one present in opposition.

The Land Use Control Board reviewed the application of **City of Memphis** requesting an street closure and the report of the staff. A motion was made and seconded to recommend approval of the application.

The motion passed by a unanimous vote 8 to 0

The Board approved the conclusions of the staff as contained in the staff report.

Respectfully submitted,

Carlos B. McCloud, Senior Planner
for
Mary L. Baker, Deputy Director
Office of Planning and Development