MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT

STAFF REPORT # 2

CASE NUMBER: SAC 14-606	**L.U.C.B. MEETING: August 14, 2014**
DEVELOPMENT NAME:	**Tanglewood Avenue - Closure**
LOCATION:	North side of Tanglewood Avenue at York Avenue; 713 feet west of Cooper Avenue
COUNCIL DISTRICT:	**4**
SUPER DISTRICT:	**8**
OWNER OF RECORD / APPLICANT:	Robert Black/ Scott Industries, Inc
REPRESENTATIVE:	Tim McCaskill
REQUEST:	Close & Vacate Street Right-Of-Way
AREA:	0.16 Acres
EXISTING LAND USE & ZONING:	Residential Urban-1 and Employment district

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

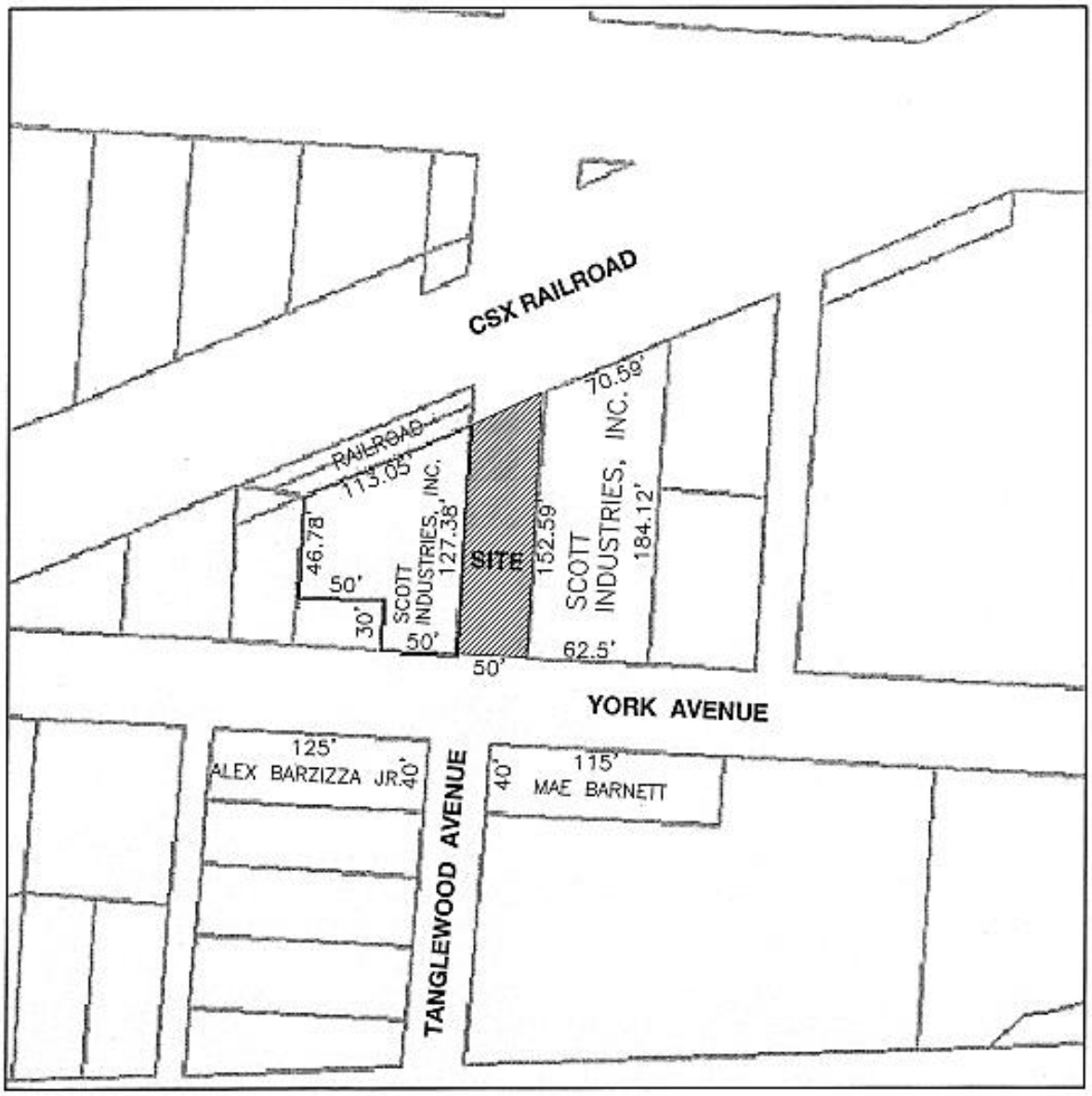
APPROVAL with one condition

CONCLUSIONS

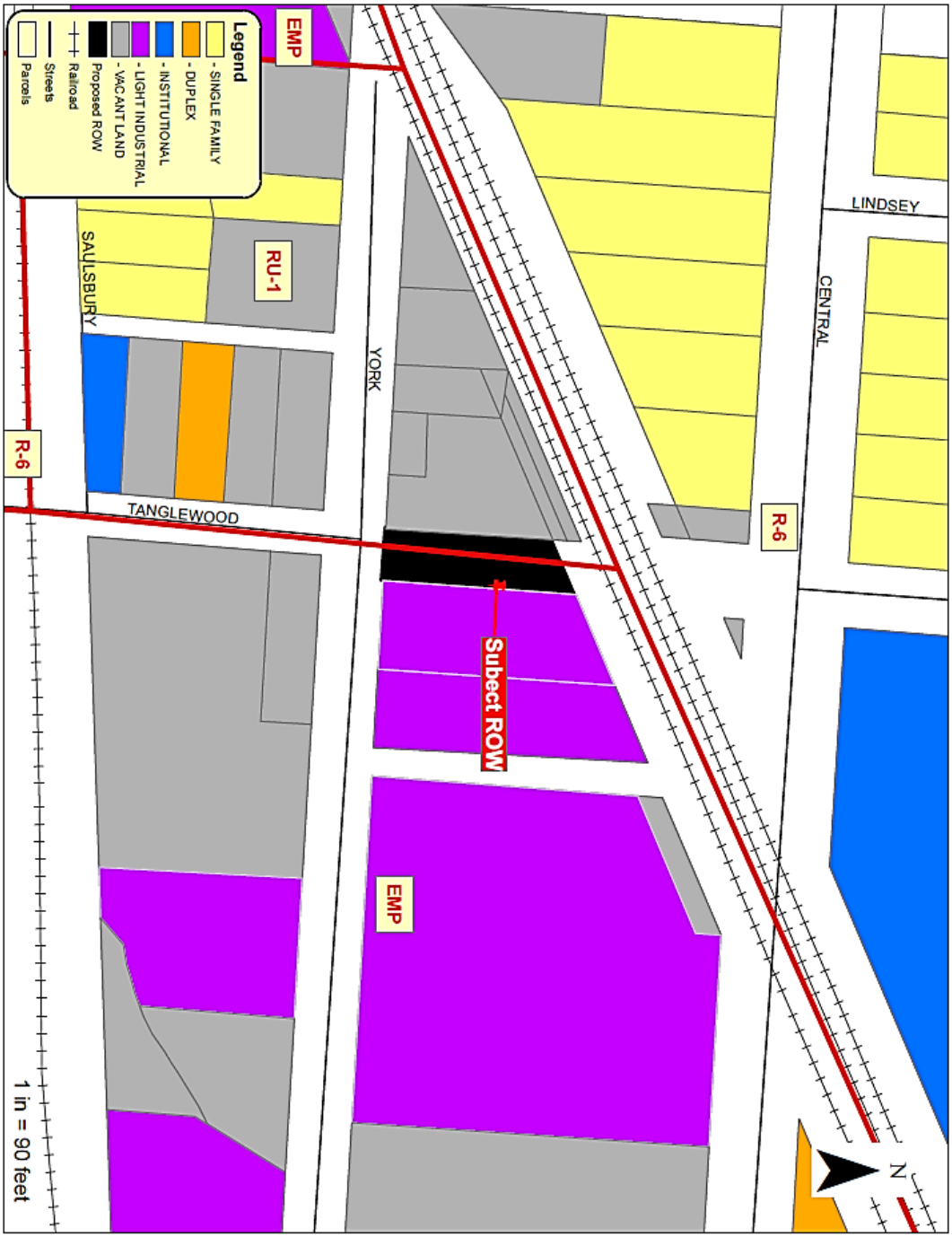
1. The subject property is a 152 feet strip of ROW west of Cooper Street, and it dead ends into the CSX railroad.
2. This right-of-way has not been improved by the city and does not serve a public purpose.

Staff: Troy Frasier email: troy.frasier@memphistn.gov

VICINITY MAP



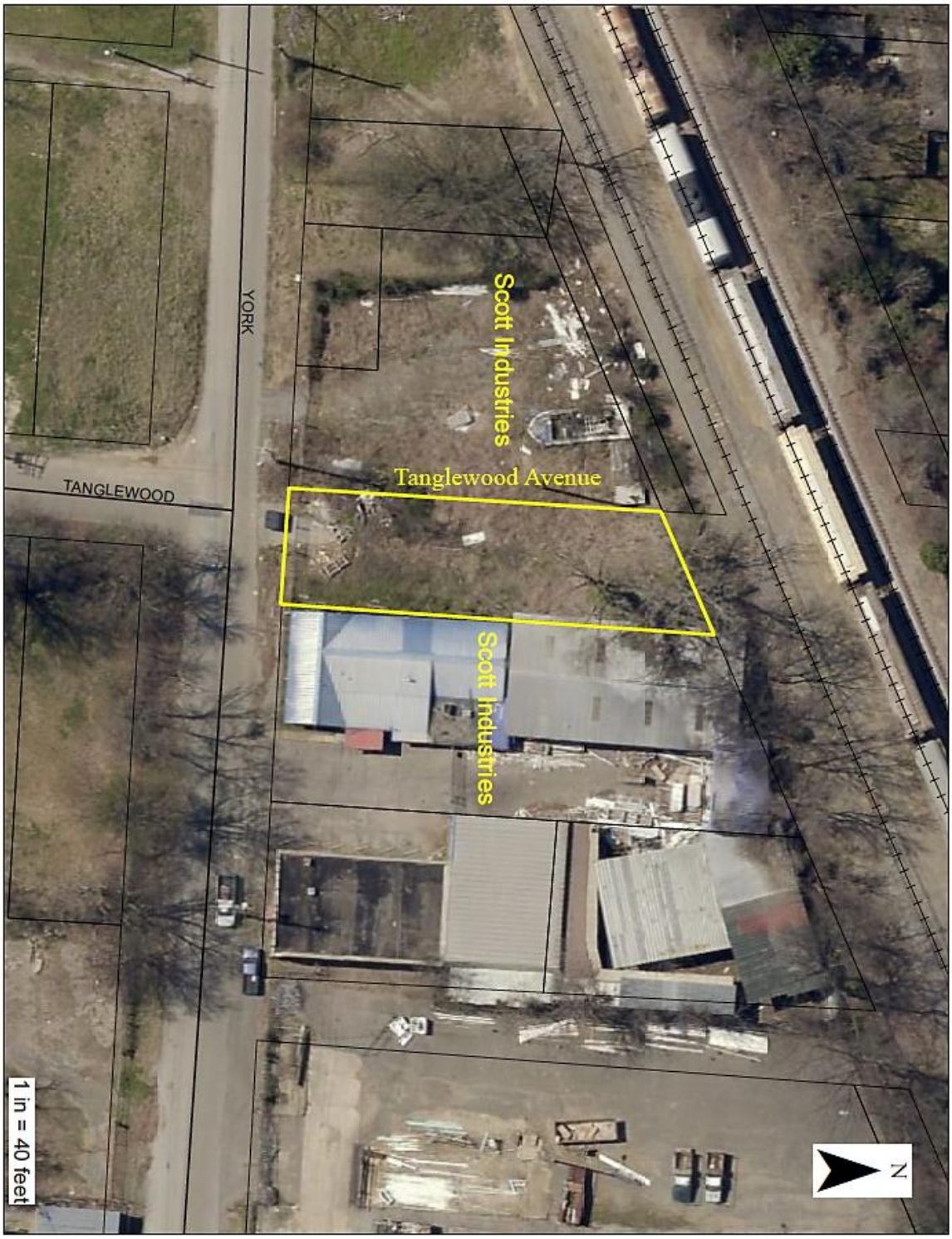
LAND USE & ZONING MAP



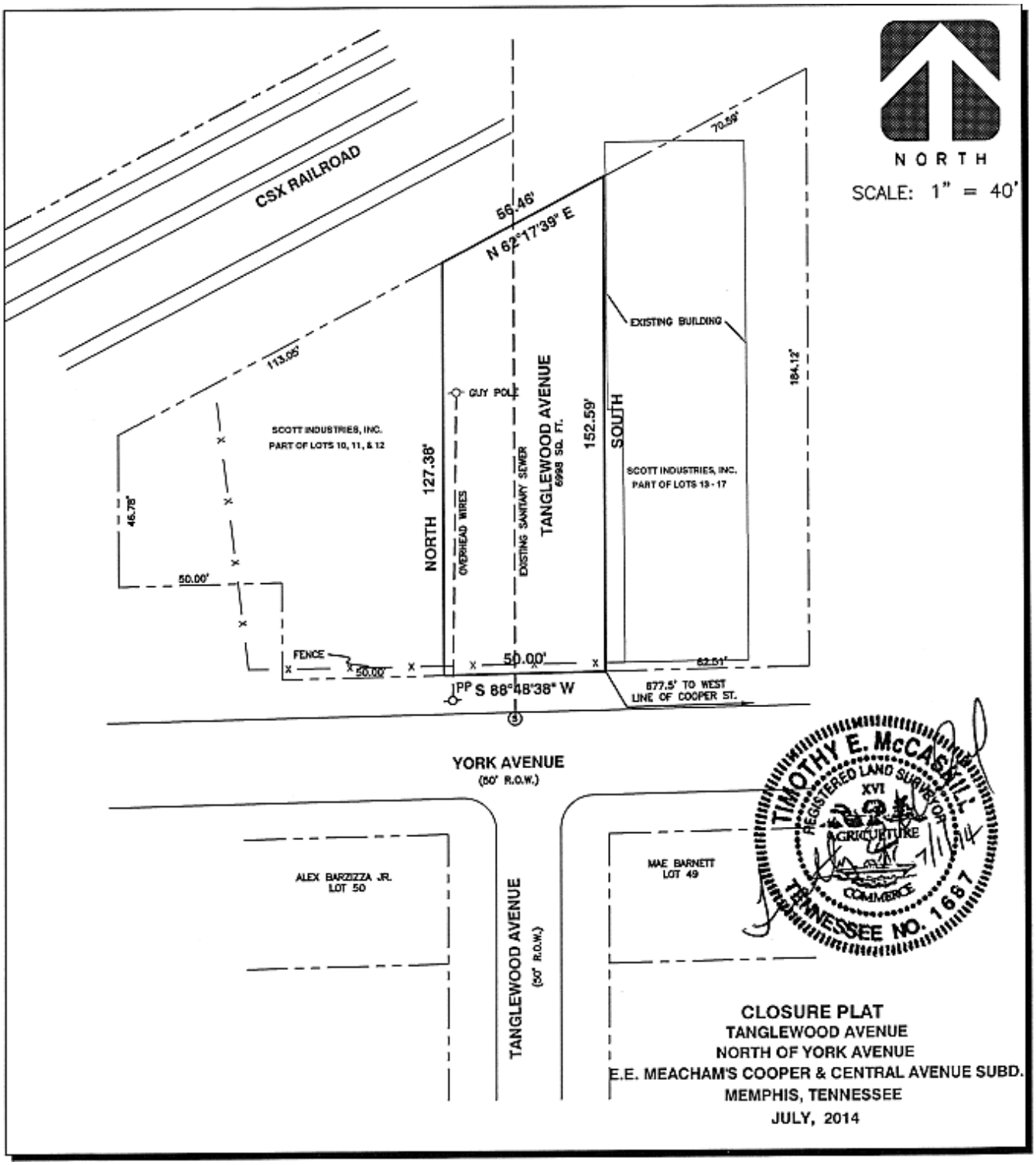
SURROUNDING USES:

North: CSX Railroad Line
East: Vacant land zoned RU-1
South: Vacant land zoned EMP and RU-1
West: Light industrial uses in a EMP district

AERIAL OF SITE



SITE PLAN


NORTH
SCALE: 1" = 40'
CSX RAILROAD
56.46'
N 62°17'39" E
70.59'
113.05'
EXISTING BUILDING
184.12'
GUY POLE
SCOTT INDUSTRIES, INC.
PART OF LOTS 10, 11, & 12
NORTH 127.38'
OVERHEAD WIRES
EXISTING SANITARY SEWER
TANGLEWOOD AVENUE
6998 SQ. FT.
152.59'
SOUTH
SCOTT INDUSTRIES, INC.
PART OF LOTS 13 - 17
46.78'
50.00'
FENCE
50.00'
50.00'
62.51'
PP S 88°48'38" W
677.5' TO WEST
LINE OF COOPER ST.
YORK AVENUE
(50' R.O.W.)
ALEX BARZIZZA JR.
LOT 50
TANGLEWOOD AVENUE
(50' R.O.W.)
MAE BARNETT
LOT 49
TIMOTHY E. McCASKILL
REGISTERED LAND SURVEYOR
XVI
AGRICULTURE
COMMERCE
TENNESSEE NO. 1687
7/11/14
CLOSURE PLAT
TANGLEWOOD AVENUE
NORTH OF YORK AVENUE
E.E. MEACHAM'S COOPER & CENTRAL AVENUE SUBD.
MEMPHIS, TENNESSEE
JULY, 2014

Survey of part of Tanglewood Avenue, running northwardly from York Avnue (50' R.O.W.) to the CSX Railroad and being adjacent to Lots 10 through 17 of E.E. Meacham's Cooper & Central Avenue Subdivision as recorded in Plat Book 4, Pages 99 & 100 in the Shelby County Register's Office and being more particularly described as follows:

Beginning at the intersection of the north line of York Avenue (50' R.O.W.) and the east line of Tanglewood Avenue (50' R.O.W.); said point being 677.50' westwardly from the west line of Cooper Street; thence along said north line of York Avenue S 88°48'38" W a distance of 50.00' to a point in the west line of Tanglewood Avenue; thence North a distance of 127.38' to a point in the south line of the CSX Railroad; thence N 62°17'39" E a distance of 56.46' to a point in the east line of Tanglewood Avenue; thence South a distance of 152.59' to the point of beginning, containing 6998 square feet more or less.

This is to certify that this is a Category I survey and the ratio of precision of the survey is 1:10,000 or greater.

Timothy E. McCaskill, R.L.S.

CLOSURE PLAT
TANGLEWOOD AVENUE
NORTH OF YORK AVENUE
E.E. MEACHAM'S COOPER & CENTRAL AVENUE SUBD.
MEMPHIS, TENNESSEE
JULY, 2014

EXISTING CONDITIONS

Subject ROW between electric pole and building

Looking south down Tanglewood Avenue

Looking east along York Avenue Looking west along York Avenue

ANALYSIS

The subject property is an undeveloped 152 feet section (6998 sq. ft.) of Right-of-Way (ROW) of Tanglewood Avenue located north of York Avenue and ending at the CSX railroad line. The subject ROW is located between two parcels owned by the applicant and is adjoined to the south by York Avenue and to the north by CSX railroad. The east half of the ROW is zoned EMP and the west half is zoned Residential Urban- 1 (RU-1).

This right-of-way has not been improved by the city and does not serve a public purpose. York Avenue and Tanglewood Avenue are unimproved (no sidewalks or curb/gutter) in this area (refer to photos). There is an existing sanitary sewer line that runs down the center of the ROW. The applicant will have to record an easement for this sewer line.

Purpose of Street Closing:

The purpose of this closure is so the owner can consolidate his two parcels that are divided by the ROW.

Conclusion

Taking into consideration that the subject ROW is a 152 feet long section that dead ends into the railroad and that it has never been improved, the staff is recommending approval with one condition.

Staff recommendation: **APPROVAL with one condition.**

Condition:

1. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.

GENERAL INFORMATION

Planning District: **Midtown**

Zoning Atlas Page:

Parcel ID:

DEPARTMENTAL COMMENTS:

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

City Engineer:
1. City Engineering has no objections to this request.

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.

County Engineer: No comments received.

City Fire Division: No comments received.

County Fire Department: No comment

City Real Estate: No comments received.

County Real Estate: No comments received.

City/County Health Department: No comment

City Board of Education: No comments received.

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 conditions:

- **MLGW has existing utility distribution 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

- **It is the responsibility of the owner/applicant** to bear the cost if it is necessary for MLGW facilities to be installed, removed or relocated.
- **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.
- **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 public hydrants on private property, and the owner/applicant will be billed an annual maintenance fee on a monthly basis 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.
- **STREET NAMES**: **It is the responsibility of the owner/applicant** to contact MLGW–Address Assignment @ 729-8628 and submit proposed street names for review and approval. Please use the following link to the MLGW Land & Mapping website for **Street Naming Guidelines** and the **Online Street Name Search**: http://www.mlgw.com/builders/landandmapping
- **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. No permanent structures will be allowed within any 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 contact MLGW-Property Management, Land Rights Specialist @ 901-528-4186 to request a Release Deed for release of easement for any existing MLGW Easement(s) in conflict with the proposed development.
- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **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. No permanent structures will be allowed within any utility easements.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **It is the responsibility of the owner/applicant** to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations**.**
- **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.
- **Landscaping is prohibited** within any MLGW utility easement without prior MLGW approval.
- **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).

- **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). Application for utility service is necessary before plats can be recorded.
    - All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.
    - All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application process.
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

No apparent street name issues.

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 received.

Park Services Division: No comments received.

County Conservation Board: No comments received.

County Sheriff: No comments received.

Neighborhood Associations: No comments received.

Memphis and Shelby County Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6619

APPLICATION FOR RIGHT-OF-WAY VACATION/ STREET/ALLEY/CLOSURE APPROVAL

Date: 6-2-14 Case #: _____

PLEASE TYPE OR PRINT

Name of/Street/Alley/ROW: TANGLEWOOD AVENUE

Property Owner of Record: SCOTT INDUSTRIES, INC Phone #: 713-828-1861

Mailing Address: 2078 YORK AVE City/State: MEMPHIS Zip 38104

Property Owner E-Mail Address: ROBERTHBLACK@YAHOO.COM

Applicant: ROBERT BLACK Phone # 713-828-1861

Mailing Address: 2078 YORK AVE City/State: MEMPHIS Zip 38104

Applicant E- Mail Address: ROBERTHBLACK@YAHOO.COM

Representative: TIM MCCASKILL Phone #: 901-382-2577

Mailing Address: 7891 STAGE HILLS BLVD #112 City/State: MEMPHIS Zip 38133

Representative E-Mail Address: TEMCCASKILL@AOL.COM

Engineer/Surveyor: TIM MCCASKILL Phone # 901-382-2577

Mailing Address: 7891 STAGE HILLS BLVD STE 112 City/State: MEMPHIS Zip 38133

Engineer/Surveyor E-Mail Address: TEMCCASKILL@AOL.COM

Closure Street Address Location: NORTH OF YORK AVE TO CSX RAILROAD R.O.W.

Inside of Memphis City Limits	(Yes)	No
Inside of Memphis 5 Mile Jurisdiction	Yes	No
Unincorporated Shelby County	Yes	No
City of _____ Reserve Area	Yes	No

Distance to nearest intersecting street: 677.5' WEST OF COOPER STREET

Area of ROW: 6998.0' Square-Feet/Acres Length x Width of ROW: 127/152 X 50 Feet

Closure starts at: INTERSECTION WITH NORTH R.O.W. LINE YORK AVE. and

Proceeds to INTERSECTION WITH SOUTH R.O.W. LINE CSX RAILROAD R.O.W.

Reason for Closure: STREET IS NOT OPEN AND A DEAD END. ROW DISECTS APPLICANTS PROPERTY.

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD. After consultation with an OPD staff member and obtaining his/her signature on the application a full application may be submitted.

Pre-Application Conference held on: 6/13/14 with CHIP SALIBA

I (we) hereby make application for approval of the street/alley closure described above and on the accompanying materials and closure plat. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Robert H. Black, V.P. 7/1/2014 Robert H. Black, V.P. 7/1/2
Property Owner of Record* Date Applicant Date

Scott Industries, Inc 7/1/2014
Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Property Owner of Record* Date Applicant Date

Every property owner that both abuts the right-of-way to be closed and will be deeded a respective portion shall sign this application unless the signee above is a duly elected representative of a homeowners or property owners association that will be taking ownership of the vacated right of way. See Item H at the bottom of this application for further instructions and exceptions.