



# STAFF REPORT

## AGENDA ITEM: 3

**CASE NUMBER:** S.A.C. 16-06      **L.U.C.B. MEETING:** April 14, 2016

**LOCATION:** An unnamed east-west alley running between N. Claybrook Street on the west and N. Cleveland Street on the east

**COUNCIL DISTRICT(S):** District 7; Super District 8-Positions 1, 2 & 3

**APPLICANTS:** JBJ Properties and Eastern Star Missionary Baptist Church

**REPRESENTATIVE:** Parker, Estes and Associates

**REQUEST:** A partial closure of an undeveloped alley extending +/- 248.20' east of N. Claybrook Street

**AREA:** 0.086 Acres or 3,724 Sq. Ft.

**EXISTING LAND USE & ZONING:** Vacant land in the Residential Urban -3 (RU-3) District

### CONCLUSIONS

1. The western half of this alley, which is the subject of this request, is no longer passable for vehicles.
2. The only evidence that this part of the alley was ever in use as an alley is a curb cut and a small section of asphalt located along N. Claybrook Street.
3. Staff finds that the removal of this section of public alley will not have a detrimental impact on the transportation network of the area or significantly limit any abutting property's access to their property.

### RECOMMENDATION

***APPROVAL WITH CONDITIONS***

**Staff Writer: John D. (Don) Jones**

**E-mail: [john.jones@memphistn.gov](mailto:john.jones@memphistn.gov)**

### General Location

The subject property is the unimproved section of an east-west alley that runs between N. Claybrook Street on the west and N. Cleveland Street on the east in the Midtown Area of Memphis.



Subject Property highlighted in red.

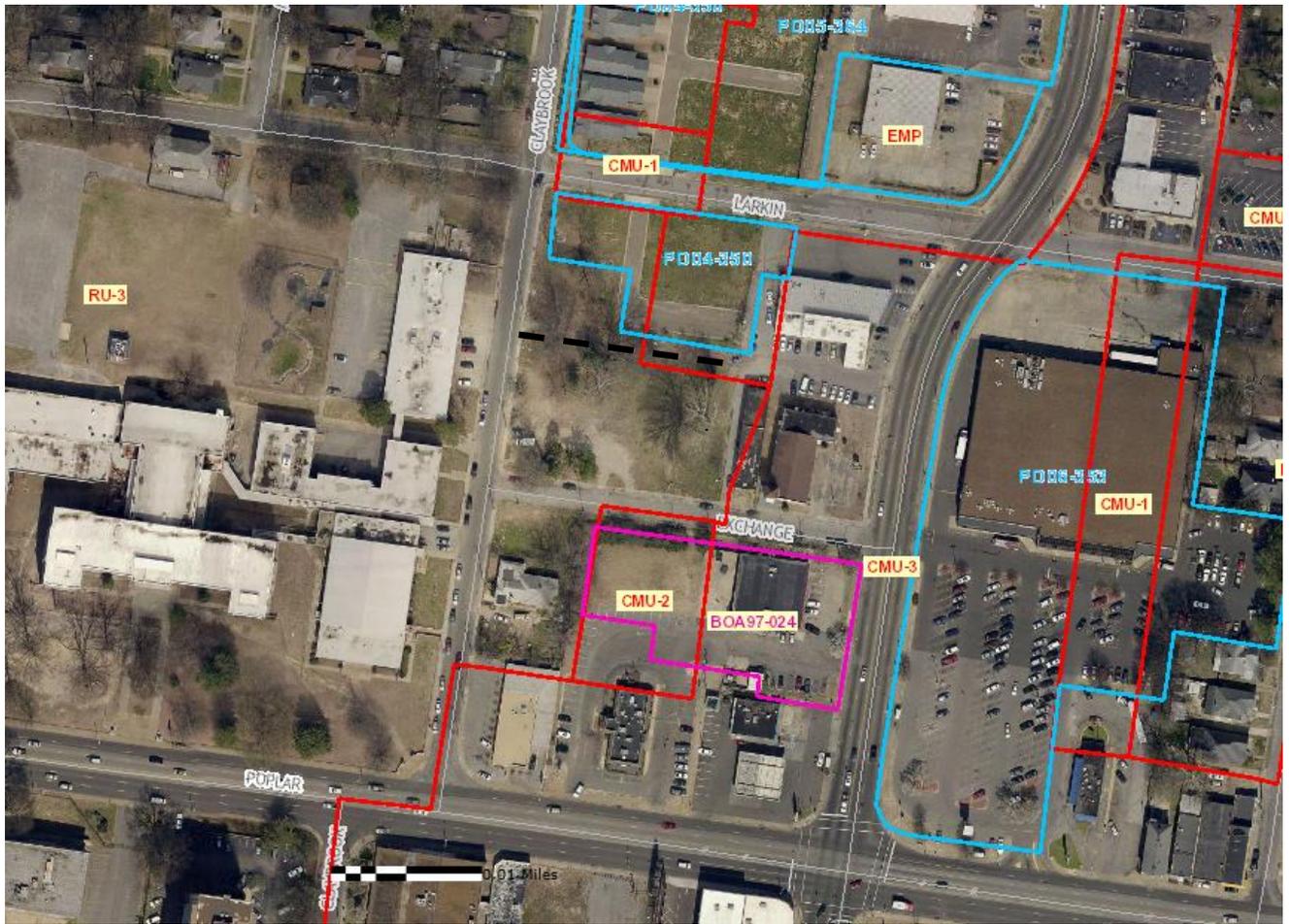


### Vicinity Map



## ZONING MAP

The black dashed line represents the approximate location of the alley to be closed.

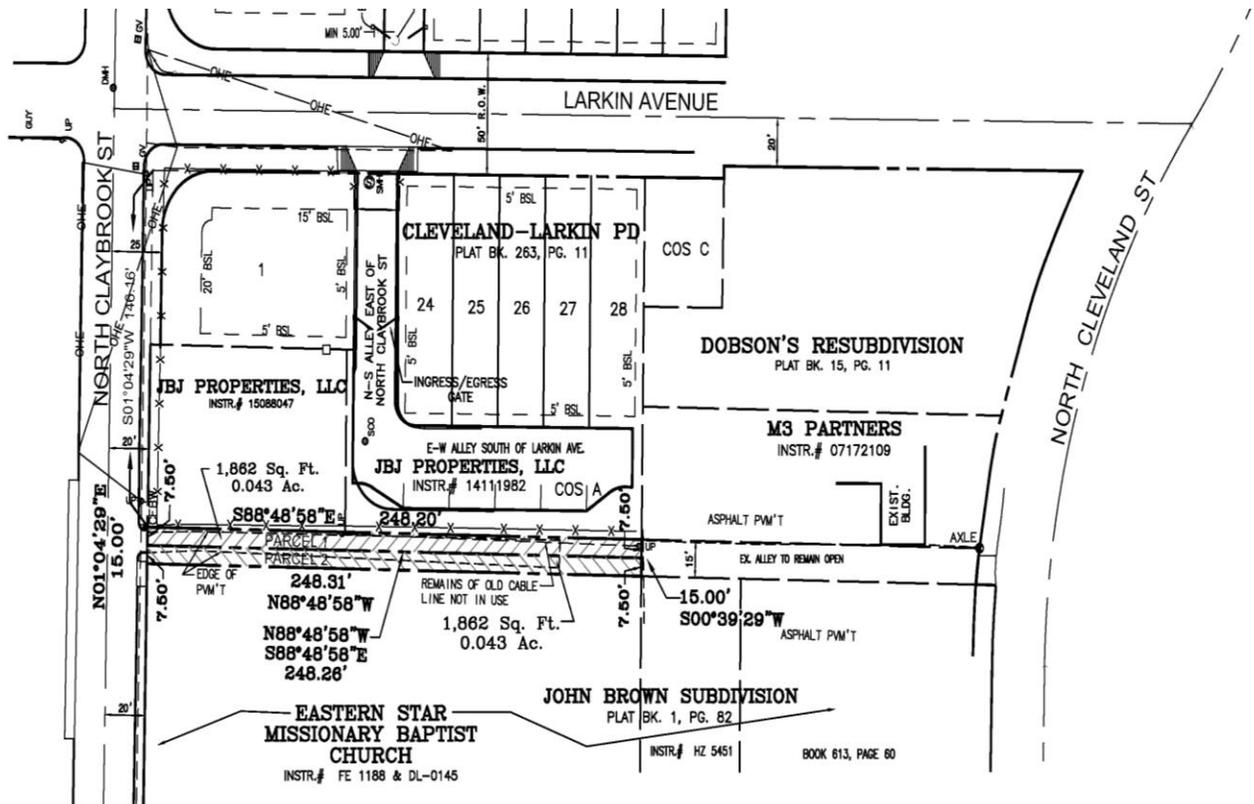


### Surrounding Uses of Land

- North: Vacant land under construction for residential dwelling units as a part of the Cleveland-Larkin Planned Development (P.D.) 05-364
- South: Vacant land in the Residential Urban – 3 (RU-3) District
- East: Retail and service based commercial establishments, an apartment building and a Church in the Commercial Mixed Use-3 (CMU-3) District
- West: A public school and daycare, Northwest Prep Academy in the Residential Urban-3 (RU-3) District

### CLOSURE PLAT

Area covered in the diagonal hatched area is the subject property



**Views of Site**



The only physical improvement found on alley right of way is this curb cut at N. Claybrook Street and a few feet of asphalt

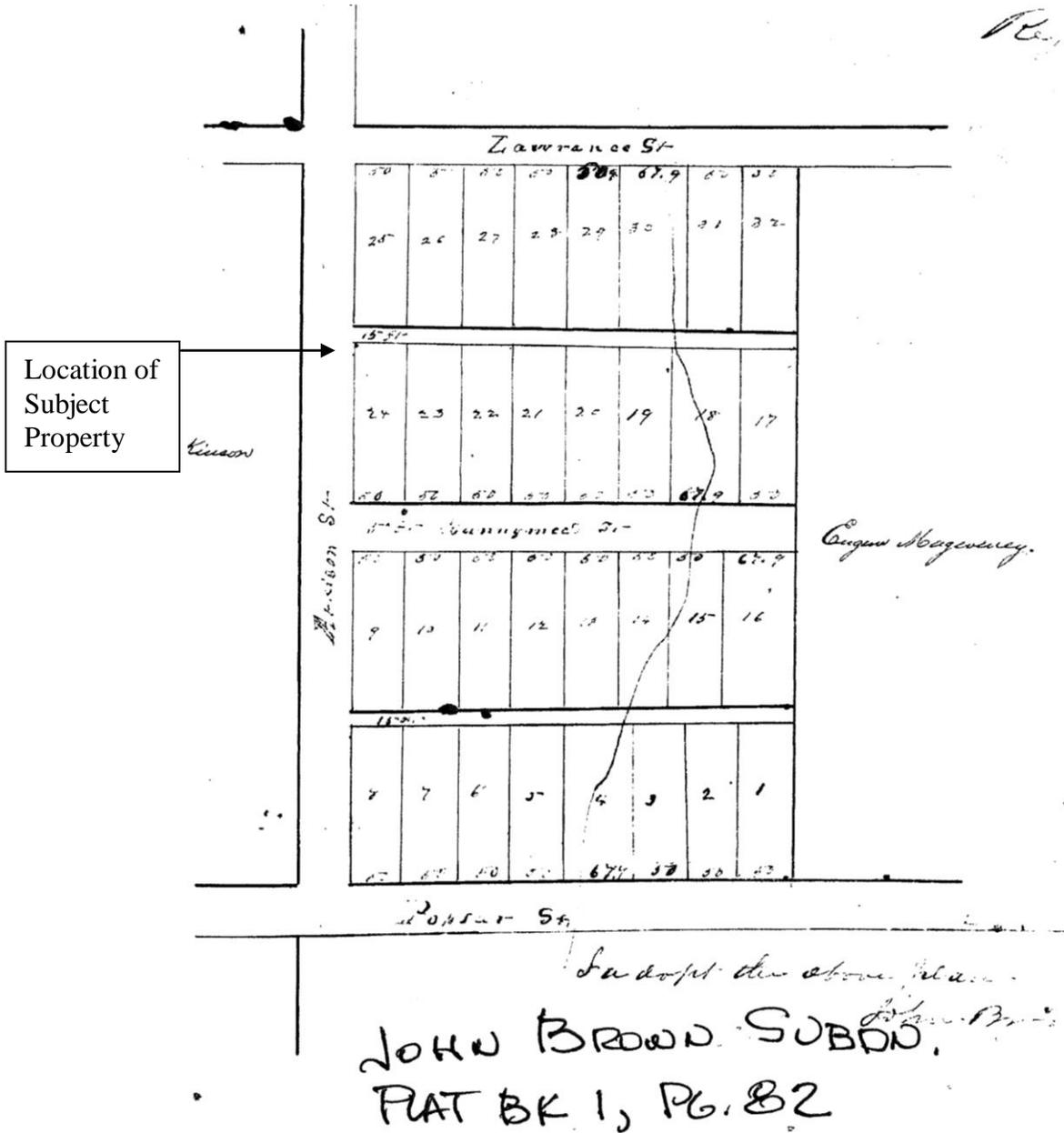


The alley as it extends through this commercial area to Cleveland St.(foreground). The paved portion of the alley terminates at about the blue dumpster in the background.

**Prior Development Plats**

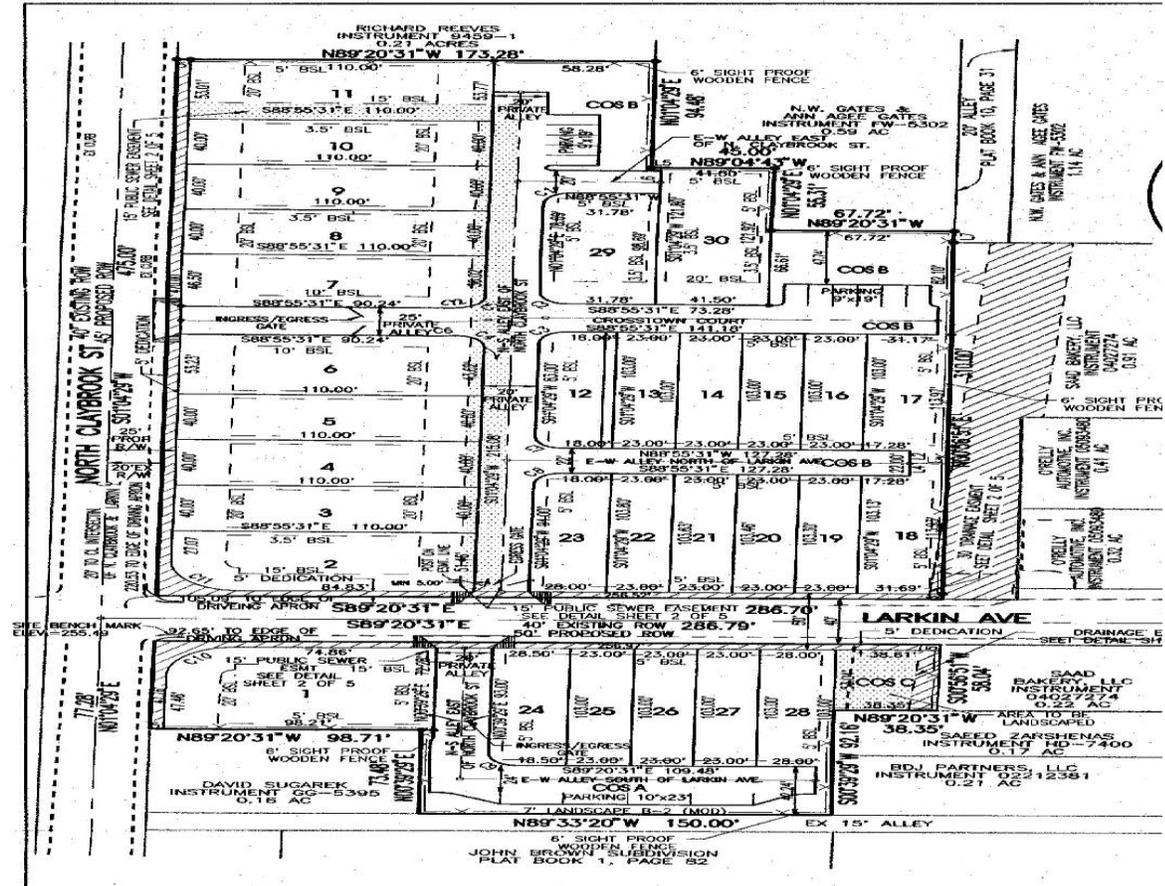
John Brown Subdivision, Plat Book 1, Page 82

Lawrence St. is now Larkin. Closure includes all or part of Lots 21 -25 on the south side of the alley and Lots 25 through 29 on the north side of the alley.





Cleveland-Larkin Planned Development



NEIGHBORHOOD MEETING- Not Required

NOTICE -

Public Notice Sign - Post at 10:00 A.M., March 29, 2016, per notarized affidavit.

Mailed Public Notice - Twenty-four notices were mailed on March 24, 2016.

## **STAFF ANALYSIS**

The subject tract is a 15-foot wide alley originally dedicated to the City by the John Brown Subdivision circa 1918. The alley extends some 400 feet from N. Claybrook Street on the west to N. Cleveland Street on the east. However, the western half, which is the subject of this request is no longer passable for vehicles. The only evidence that this part of the alley was ever in use as an alley is a curb cut and a small section of asphalt located along N. Claybrook Street.

The eastern portion of the alley which extends westward from N. Cleveland Street for a distance of approximately 200 feet is paved and is in good repair. It continues to provide access to the parking areas of the commercial and institutional uses that it abuts.

If this application is approved, the two applicants will enter into an agreement to trade parts of the alley between themselves. The first 100 +/- feet will be added to the JBJ Properties holdings to be incorporated into Cleveland-Larkin Planned Development as residential lots. The remaining area of the closure will be deeded to the Eastern Star Missionary Baptist Church to be added to their holding for future use.

Staff finds that the removal of this section of public alley will not have a detrimental impact on the transportation network of the area or significantly limit any abutting property's access to their property. No negative comments were received from any of the service providers who were contacted concerning this request. The standard three conditions for street and alley closures are included within this report.

## **RECOMMEDATION :                      APPROVAL WITH CONDITIONS**

### **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 three years of the conditional approval of the closure by the City Council.

## GENERAL INFORMATION

**Zoning Atlas Page:** 2030

## DEPARTMENTAL COMMENTS

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

### **City/ Engineer:**

Street Closures:

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 three years of the conditional approval of the closure by the City Council.

**City/County Fire Division:** No comments received.

**City Real Estate:** No comments received.

### **City/County Health Department:**

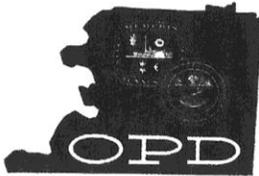
*Water Quality Branch & Septic Tank Program* No comment.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

**Memphis Light, Gas and Water:** 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) 576-6601

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

Date: 02/08/2016

Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Name of/Street/Alley/ROW: First Alley south of Larkin Avenue and east of North Claybrook Street

Property Owner of Record: JBJ Properties, LLC Phone #: 842-5050

Mailing Address: 4701 Summer Avenue City/State: Memphis, TN Zip 38122

Property Owner E-Mail Address: JREEDY@REEDYANDCOMPANY.NET

Applicant: Eastern Star Missionary Baptist Church Phone # 728-6629

Mailing Address: 1334 William Fields Avenue City/State: Memphis, TN Zip 38104

Applicant E- Mail Address: easternstar.mbchurch@yahoo.com

Representative: Parker, Estes & Associates, Inc. Phone #: 360-9805

Mailing Address: 3460 Ridge Meadow Parkway City/State: Memphis, TN Zip 38115

Representative E-Mail Address: parkerestes@bellsouth.net

Engineer/Surveyor: Parker, Estes & Associates, Inc. Phone # 360-9805

Mailing Address: 3460 Ridge Meadow Parkway City/State: Memphis, TN Zip 38115

Engineer/Surveyor E-Mail Address: parkerestes@bellsouth.net

Closure Street Address Location: \_\_\_\_\_

Inside of Memphis City Limits Yes No

Unincorporated Shelby County Yes No

City of Reserve Area Yes No

Distance to nearest intersecting street: 146.16' south of Larkin Avenue

Area of ROW: 3724/0.086 Square-Feet/Acres Length x Width of ROW: 248.26 x 15 Feet

Closure starts at: North Claybrook Street and

Proceeds to 248.26' east of North Claybrook

Reason for Closure: This portion of the Alley is no longer in use and we are requesting a closure to incorporate into adjacent properties for possible redevelopment.

