AGENDA ITEM: # 3 & 4

CASE NUMBER: S.A.C. 16-08 & S.A.C. 16-09

LOCATION: Commerce Avenue right-of-way between N Main and N 2nd Streets, and November 6th Alley right-of-way between Jackson Avenue and Interstate 40

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

OWNER/APPLICANT: Pinch Partners Investment, Co.

REPRESENTATIVE: Solomito Land Planning – Brenda Solomito Basar

REQUEST: Close and vacate two (2) public rights-of-way within the Uptown Special Purpose District

AREA: 19,894± Sq. Ft. / 0.46± Acres

EXISTING LAND USE & ZONING: Public rights-of-way abutting property zoned Mixed Use (MU)

CONCLUSIONS
1. The public rights-of-way of Commerce Avenue and November 6th Alley both bisect the recently approved Pinch Partners Planned Development (PD 15-306).
2. The closures will allow the applicant to redesign the site in such a way that is consistent with the vision of the Planned Development and overall Pinch District.
3. Said closures would not appear to present an undue or substantial effect upon the existing vehicular and pedestrian traffic flow surrounding this site.

RECOMMENDATION
Approval with Conditions

Staff Writer: Charles “CJ” Finkley E-mail: charles.finkley@memphistn.gov
LAND USE MAP

AERIAL PHOTOS

RIGHTS-OF-WAY TO BE VACATED

Legend
- COMMERCIAL
- OFFICE
- DUPLEX
- PARKING
- INDUSTRIAL
- RECREATIONAL/OPEN SPACE
- INSTITUTIONAL
- SINGLE-FAMILY
- MULTI-FAMILY
- VACANT

RIGHTS-OF-WAY TO BE VACATED
COMMERCE AVENUE RIGHT-OF-WAY

Looking east from N Main

Right-of-way to be vacated

Looking west from N 2nd
NOVEMBER 6TH ALLEY RIGHT-OF-WAY

Looking south across Jackson

Right-of-way to be vacated

Looking north from Commerce
SITE PLAN

PLANNED DEVELOPMENT (PD 15-306) CONCEPT PLAN ‘B’ (WITH CLOSURES)
PLANNED DEVELOPMENT (PD 15-306) CONCEPT PLAN ‘A’ (WITHOUT CLOSURES)

NEIGHBORHOOD MEETING
Not required for a Street and Alley Closure Application.

NOTICE
9 notices were mailed May 26, 2016, and it appears the notification sign was posted by the applicant as of May 31, 2016.

STAFF ANALYSIS

The public rights-of-way of Commerce Avenue and November 6th Alley both bisect the recently approved Pinch Partners Planned Development (PD 15-306). The existing public rights-of-way to be vacated cover an area of approximately 0.46± Acres (19,894± Sq. Ft.) and the closures will permit the applicant to redesign the site in a manner that is consistent with the vision of the Planned Development and overall Pinch District. The closure of Commerce and November 6th on this site would not appear to have an undue or substantial effect upon the existing vehicular and pedestrian traffic flow surrounding this site.
RECOMMENDED: Approval with Conditions

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

2. City sanitary sewers/drainage facilities are located within the proposed closure area.

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

Street Frontage: N Main, Jackson and N 2nd
Planning District: Downtown Medical Center District
Census Tract: 011300
Annexation Reserve Area: Not Applicable
Zoning Atlas Page: 1925, 1930
Parcel IDs: Public right-of-way
Zoning History: The Uptown Zoning Regulations were approved by the Land Use Control Board and the Memphis City Council in 2001.

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. City sanitary sewers/drainage facilities are located within the proposed closure area.

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

City Fire Division: No comments received.
City Real Estate: No comments received.
City/County Health Department: No comments by the Water Quality Branch & Septic Tank Program.
Shelby County Schools: No comments.
Construction Code Enforcement: No comments received.
Memphis Light, Gas and Water: No comments.

Neighborhood Associations: No comments received.
Memphis and Shelby County
Office of Planning and Development
CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2034  (901) 576-6601

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

Date: April 29, 2016 Case #: ___

PLEASE TYPE OR PRINT

Name of Street/Alley/ROW: __Commerce Avenue____
Property Owner of Record: __Pinch Partners Investment Co._ Phone #: 901-260-1188
Mailing Address: ___65 Union Ave., Suite 1200 City/State: __Memphis, TN Zip 38103_
Property Owner E-Mail Address:
Applicant: __Same as Property Owner of Record_ Phone # __________
Mailing Address: ______________ City/State: __________ Zip __________
Applicant E-Mail Address:
Representative: __Solomito Land Planning -- Brenda Solomito Basar_ Phone #: 901-755-7495
Mailing Address: __2067 Kirby Parkway City/State: __Memphis, TN Zip 38119_
Representative E-Mail Address: __brendasolomito@bellsouth.net_
Engineer/Surveyor: __Milestone Land Surveying, Inc._ Phone #: 901-867-8671
Mailing Address: __10360 US HWY 70, Suite 1 City/State: __Lakeland, TN Zip 38002_
Engineer/Surveyor E-Mail Address: __milestonels@bellsouth.net_

Closure Street Address Location: 0 Jackson, 0 N Second, 0 Commerce, 326 N Main R, 326 N Main

Inside of Memphis City Limits Yes No
Unincorporated Shelby County Yes No
City of Reserve Area Yes No

Distance to nearest intersecting street: __Commerce Avenue, between North Second Street and North Main Street

Area of ROW: 14,394 sq ft / 0.33 Ac. Square-Feet/Acres Length x Width of ROW: 319.91’ x 45’ Feet
Closure starts at: __East ROW line of North Main Street__ and Proceeds to __West ROW line of North Second Street__
Reason for Closure: __Please see attached._

-11-
Date: __April 29, 2016__  

**Memphis and Shelby County**  
Office of Planning and Development  
CITY HALL 125 NORTH MAIN STREET-SUITE 408 MEMPHIS, TENNESSEE 38103-2084  
(901) 576-6601  
APPLICATION FOR RIGHT-OF-WAY VACATION/STREET/ALLEY/CLOSURE APPROVAL

**PLEASE TYPE OR PRINT**

Name of Street/Alley/ROW: **November 6th Street -- closure to north ROW line of I-40**

Property Owner of Record: **Pinch Partners Investment Co.**  
Phone #: **901-260-1188**

Mailing Address: **65 Union Ave., Suite 1200**  
City/State: **Memphis, TN**  
Zip **38103**

Property Owner E-Mail Address: 

Applicant: **Same as Property Owner of Record**  
Phone #: 

Mailing Address:  
City/State:  
Zip 

Applicant E-Mail Address: 

Representative: **Solomito Land Planning -- Brenda Solomito Basar**  
Phone #: **901-755-7495**

Mailing Address: **2067 Kirby Parkway**  
City/State: **Memphis, TN**  
Zip **38119**

Representative E-Mail Address: **brendasolomito@bellsouth.net**

Engineer/Surveyor: **Milestone Land Surveying, Inc.**  
Phone #: **901-867-8671**

Mailing Address: **10360 US Highway 70, Suite 1**  
City/State: **Lakeland, TN**  
Zip **38002**

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

Closure Street Address Location: **9 Jackson, 9 Commerce, 326 N Main R, 113 Jackson**

Inside of Memphis City Limits: **Yes**  

Unincorporated Shelby County: **Yes**  

City of: Reserve Area  

Distance to nearest intersecting street: 

November 6th Street, south of Jackson Avenue to its southernmost terminus at I-40 ROW

Area of ROW: **+/- 5,500 sq ft / +/- 0.126 Ac Square-Feet/Acres**  
Length x Width of ROW: **+/- 220' x +/- 25’ Feet**

Closure starts at: **Southern ROW line of Jackson and Proceeds to** Southern terminus of November 6th Street at I-40

Reason for Closure: 

Please see attached.
April 29, 2016

Mr. Josh Whitehead  
Planning Director  
125 North Main St., Room 468  
Memphis, TN 38103

RE: Application for Street Closure Approval  
Commerce Avenue, between North Second Street and North Main Street

Dear Josh,

We are pleased to submit an Application for Street Closure Approval on behalf of property owner Pinch Partners Investment Co. With this application, the owners request closure of Commerce Avenue between North Second Street and North Main Street for the purpose of best facilitating coherent development consistent with the vision of the Pinch Partners PD (PD 15-306), approved by the Memphis City Council on July 7, 2015.

Pinch Partners Investment Co. owns four properties with frontage along this section of Commerce Avenue (0 Jackson, 0 Commerce, 326 N Main R, and 326 N Main), whileCourtesy Outdoor (now Lamar Advertising) owns the fifth (0 N Second). The area of ROW closure amounts to approximately 0.33 acres.

The Commerce Avenue Right of way was established by the Plan of Memphis, dated 1819. Copy attached. Commerce Avenue is physically dead-ended at the eastern terminus. This closing of the eastern terminus was facilitated by the City of Memphis to prevent motorist from trying to turn left on to the southbound only North Second Street.

The recorded outline plan of the Pinch Partners Planned Development illustrates two development options. The options provide the developer the opportunity to redevelop the surrounding properties fully, without the Commerce Avenue Right of way and an option that that allows the developer to utilize the existing right of way. The applicant has chosen to request the closure of the Commerce Avenue right of way to permit a more cohesive development on the property.

We thank you for your time and attention to this application. Please do not hesitate to contact us for any reason.

Sincerely,

SOLOMITO LAND PLANNING

Brenda Solomito Basar  
Land Planner

2067 Kirby Parkway • Memphis, TN 38119  
Tel. (901) 755-7495 • brendasolomito@bellsouth.net
April 29, 2016

Mr. Josh Whitehead
Planning Director
125 North Main St., Room 468
Memphis, TN 38103

RE: Application for Street Closure Approval
   November 6th Street—South of Jackson Avenue to Terminus at I-40

Dear Josh,

We are pleased to submit an Application for Street Closure Approval on behalf of property owner Pinch Partners Investment Co. With this application, the owners request closure of November 6th Street alley in two portions, between the north ROW line of Interstate 40 and commerce street and then from the northern right of way line of commerce Avenue to the southern right of way line of Jackson Avenue. The purpose of this application is to best facilitating coherent development consistent with the vision of the Pinch Partners PD (PD 15-306), approved by the Memphis City Council on July 7, 2015.

Pinch Partners Investment Co. owns all properties with frontage along this section of November 6th Street (0 Jackson, 0 Commerce, 326 N Main Rd, and 113 Jackson). The area of ROW closure runs about 220’ of November 6th Street and accounts for approximately 0.0.126 acres of ROW.

The November 6th Street alley was established by the Plan of Memphis, dated 1819. Copy attached. November 6th Street alley is physically dead-ended at the north edge of the Interstate 40 overpass.

The recorded outline plan of the Pinch Partners Planned Development illustrates two development options. The options provide the developer the opportunity to redevelop the surrounding properties fully, without the November 6th Street alley and an option that that allows the developer to utilize the existing alley. The applicant has chosen to request the closure of the November 6th Street alley to permit a more cohesive development on the property.

We thank you for your time and attention to this application. Please do not hesitate to contact us for any reason.

Sincerely,

SOLOMITO LAND PLANNING

Brenda Solomito Basar
Land Planner