

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **#1**

CASE NUMBER: SAC 13-614 **L.U.C.B. MEETING:** December 12, 2013

STREET NAME: Callis Cut-Off Road

LOCATION: East-West Right-Of-Way connecting Hacks Cross Road with Germantown Road

COUNCIL DISTRICT: 2 **SUPER DISTRICT:** 9

OWNER: William B. Clark (Trustee) & Ferrell Properties Inc (Keith Ferrell)

APPLICANT: Fieldstone Apartments III, LLC (Michael Lightman)

REPRESENTATIVE: Parker, Estes, and Associates

REQUEST: Close & Vacate Street Right-Of-Way

AREA: Two segments East-West 0.425 Acres
North-South - 0.624 Acres

EXISTING LAND USE & ZONING:

Vacant land (former right of way) in Area G of the Callis Cut-Off P.D. and Area D of the Tournament Center Planned Development

Staff: John D. (Don) Jones

E-mail: john.jones@memphistn.gov

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

APPROVAL WITH CONDITIONS

CONCLUSIONS

1. The applicant, Fieldstone Apartments III, LLC, is requesting to officially close two sections of Callis Cut-Off Road in order to assemble property for future development.
2. The two sections under request today, one north-south, one east-west, are no longer necessary to provide access between Germantown Road and Hacks Cross Road as a result of the dedication of and partial improvement to Tournament Drive which is associated with the expansion of the Fieldstone Apartment
3. The standard conditions for closures are being modified to accommodate the future development of these tracts.

General Location



Aerial Overview



LAND USE & ZONING MAP

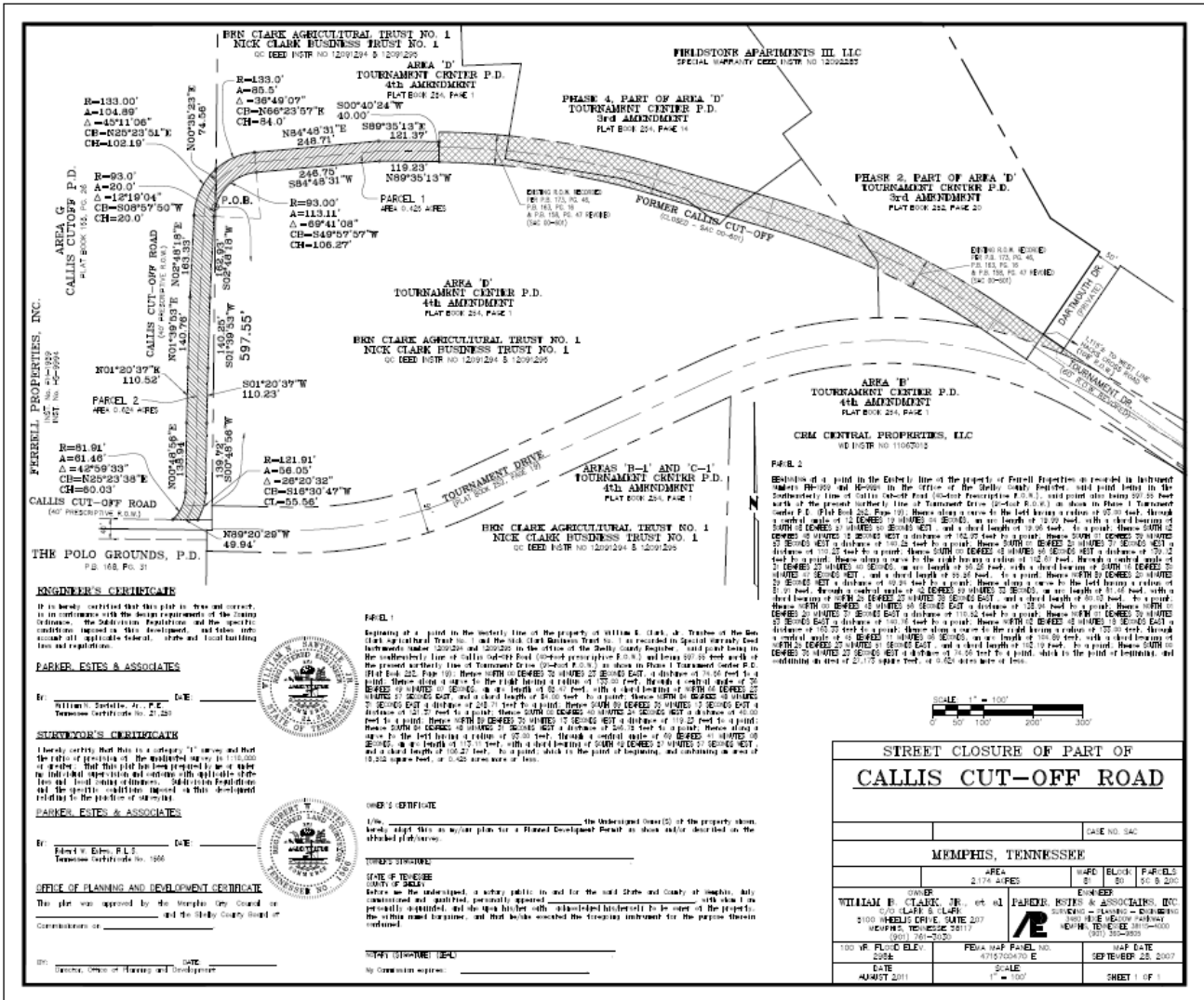


SURROUNDING LAND USE & ZONING:

North-South Road segment is located within Area G of the Callis Cut-Off Planned Development (P.D. 95-365). Permitted uses Single Family Residential.

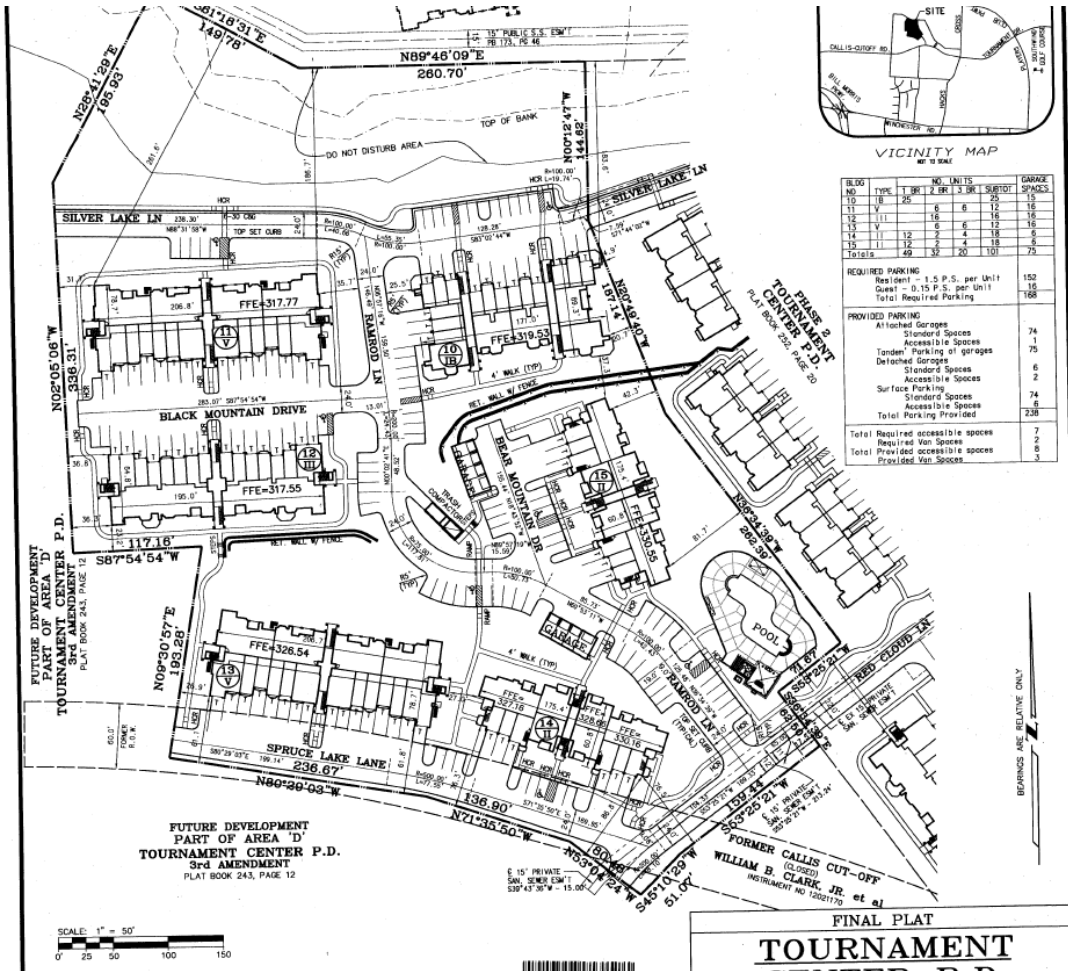
East-West Road Segment is located within Area D of the Tournament Center Planned Development, (P.D. 12-304). Permitted uses are multi-family residential.

Closure Plat

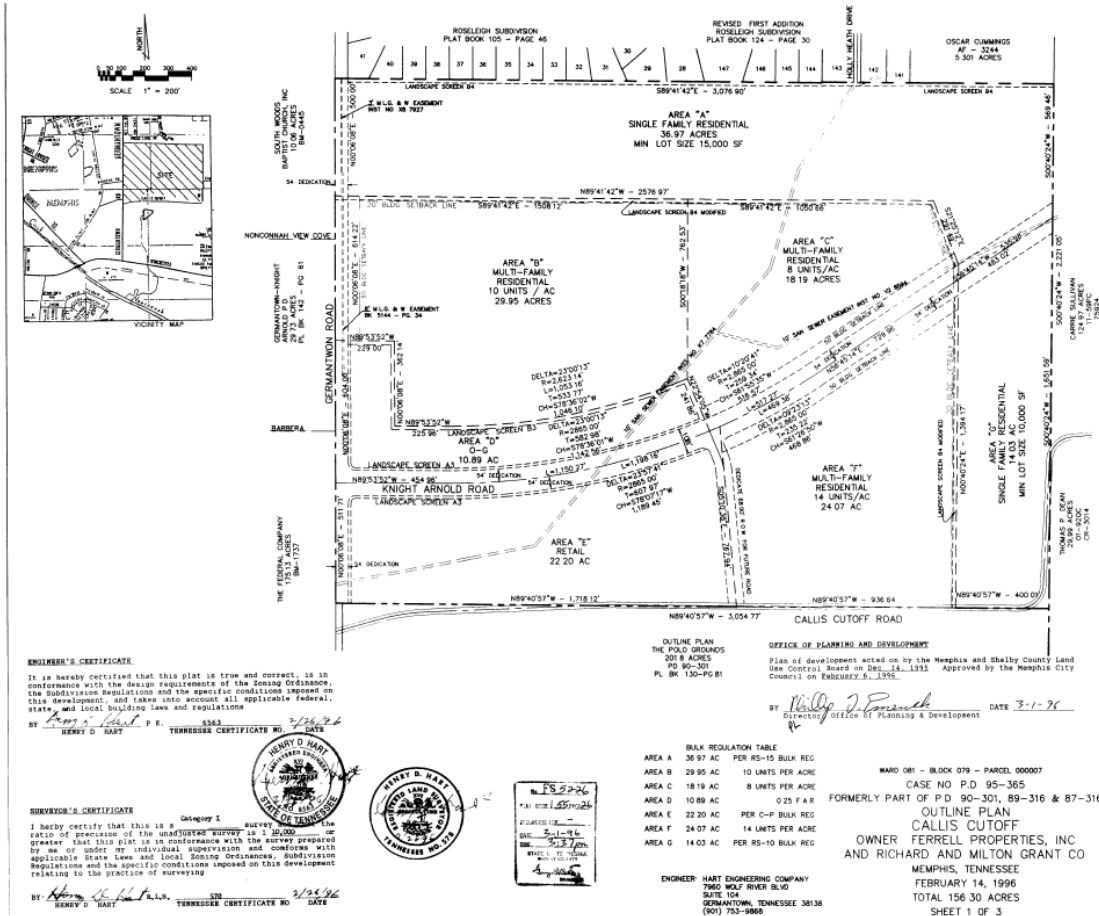


Hatched pattern indicates that some of the road segment was closed with SAC 00-601.

Tournament Center PD – Phase 4



Callis Cut-off – Outline Plan



REQUEST:

The applicant, Fieldstone Apartments III, LLC, is requesting to officially close two sections of Callis Cut-Off Road in order to assemble property for future development.

Until roughly 12-13 years ago, Callis Cut-Off Road provided east-west access between Germantown Road on the west and Hacks Cross Road to the East, see General Location Map on Page 2. In 2000, a Street and Alley Closure Application, SAC 00-601, closed a +/- 1,300' foot section of Callis Cutoff near Hacks Cross Road, see Closure Plat on page 5. With that closure, the replacement of Callis Cutoff with Tournament Drive began.

Callis Cutoff, which the applicant's engineer describes as a prescriptive easement, contains about 18 feet of right of way that, much like a trail through a farmer's plot of land, has both east-west and north south sections, see Aerial Overview on Page 3.

REVIEW:

The two sections under request today, one north-south, one east-west, are no longer necessary to provide access between Germantown Road and Hacks Cross Road as a result of the dedication of and partial improvement to Tournament Drive which is associated with the expansion of the Fieldstone Apartments, see Tournament Center Phase 4 Plat on Page 6.

The new alignment now by-passes the north-south leg of the Callis Cut-Off and that segment can now be closed and that former right-of-way returned to Area G of the Callis Cut-Off Planned Development. The approximately 450' foot section that is immediately west of the section that was closed with SAC 00-601 is also no longer needed and can be returned to Area D of the Tournament Center P.D., see Closure Plat, Page 5.

There is some haste on the part of the applicant to have this land quit claimed back so the property can be assembled. However, in the interim, the applicant desires to continue to use the north-south section for construction access. Therefore, rather than requiring a full closure with curb, gutter, and sidewalk, Staff is amenable to delaying that part of the requirement until Tournament Drive is extended with the next phase of the Tournament Center Planned Development and/or Area G of the Callis Cut-Off Planned Development. Until that time, a bar gate will be permitted to be placed at the drive way opening to indicate that this is no longer a public street. On the same line of reasoning, staff is amenable to extending the time period for the closure from 3 years to 5 years with the opportunity to request a subsequent time extension for another 5 years if necessary.

RECOMMENDATION: APPROVAL WITH CONDITIONS

Conditions SAC 13-614

1. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
2. The requirement for the provision of curb, gutter and sidewalk across the closure will be held in abeyance until such time as Tournament Drive is extended through this area in connection with the next phase of the Tournament Drive Planned Development and/or the Callis Cutoff Planned Development.
3. In the interim, the applicant shall be permitted to install a pole gate at the drive opening to dissuade the public from gaining access to the former right of way.
4. In association with Condition 2 above, at the time full closure has commenced, 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 five years of the conditional approval of the closure by the City Council. If necessary, an application for a time extension for another five years may be submitted to the Land Use Control Board for their review and approval.

GENERAL INFORMATION

Planning District: Shelby Farms-Germantown

Census Tract: 213.42

Zoning Atlas Page: 2350

Parcel ID: 08108000082, 08107900075, 08107900076

DEPARTMENTAL COMMENTS:

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

City Engineer:

Street Closures:

6. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
7. 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.
8. 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:
Water Quality Branch & Septic Tank** No comment

City Board of Education: No comments received

Construction Code Enforcement:

No comments received

AT&T:

No comments received

Memphis Area Transit Authority (MATA):

No comments received

OPD-Regional Services:

No comments received

Park Services Division:

No comments received

Neighborhood Associations:

No comments received

Roseleigh Neighborhood Association

Southwind Homeowners Association

Germantown Park Community Assn.