

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **#2**

CASE NUMBER: SAC 12-601 **L.U.C.B. MEETING:** April 12, 2012

STREET NAME: Peyton Street

LOCATION: North side of North Parkway, 232 feet east of Thomas Street
COUNCIL DISTRICT: 7

SUPER DISTRICT: 8

APPLICANT: MLB Uptown, LLC

REPRESENTATIVE: SR Consulting, LLC (Cindy Reaves)

REQUEST: Close and vacate street right-of-way

AREA: 4,337 square feet

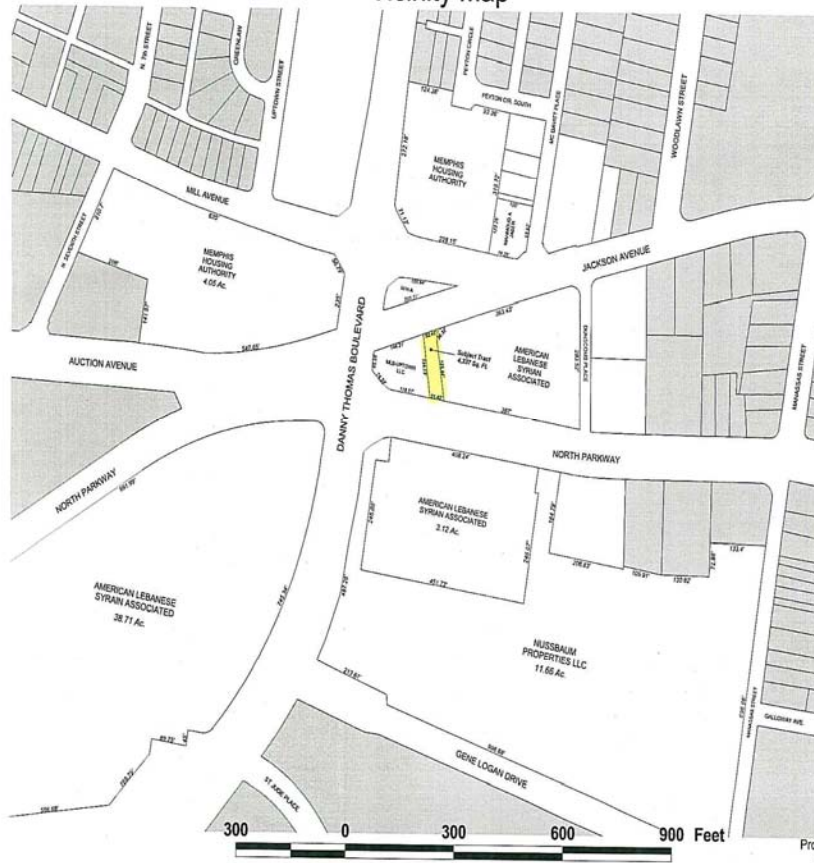
OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval With Conditions

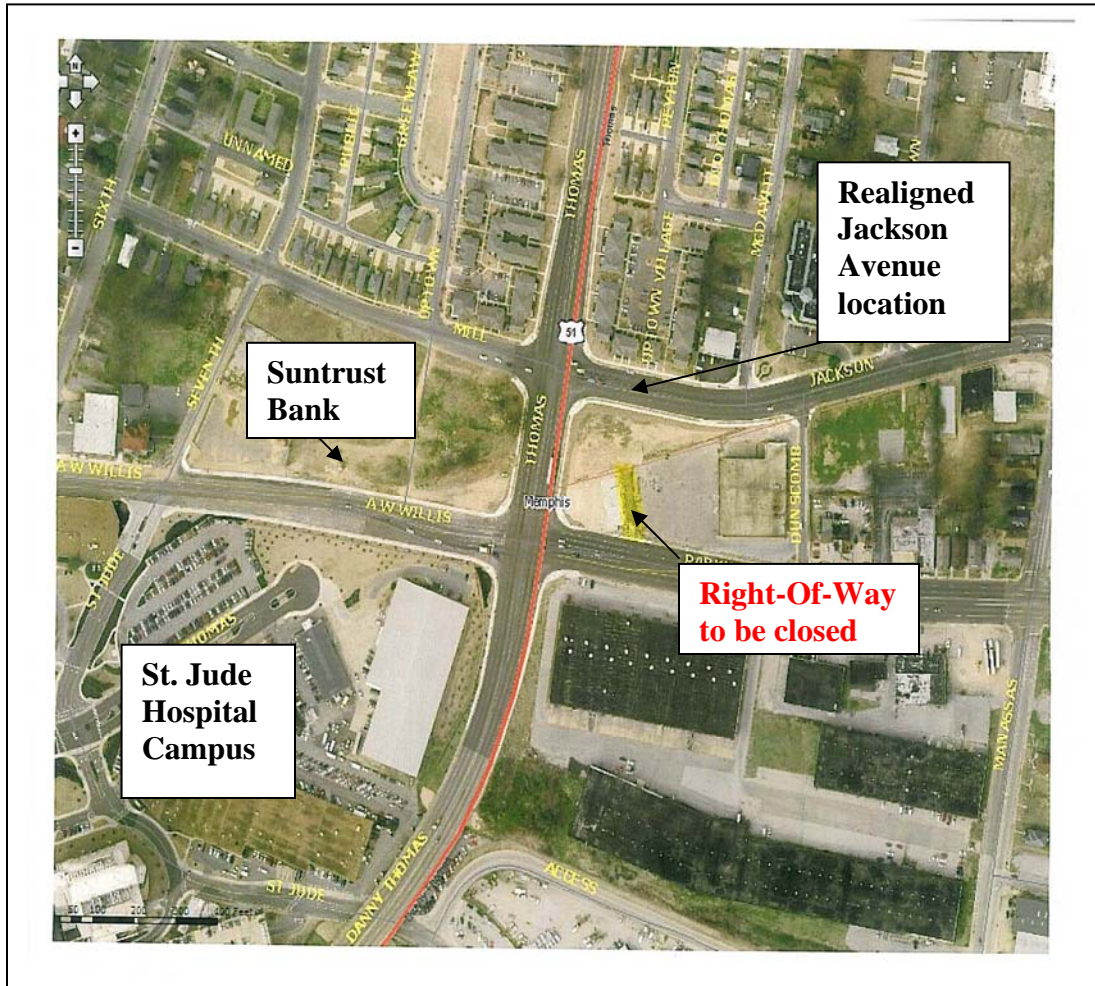
CONCLUSIONS

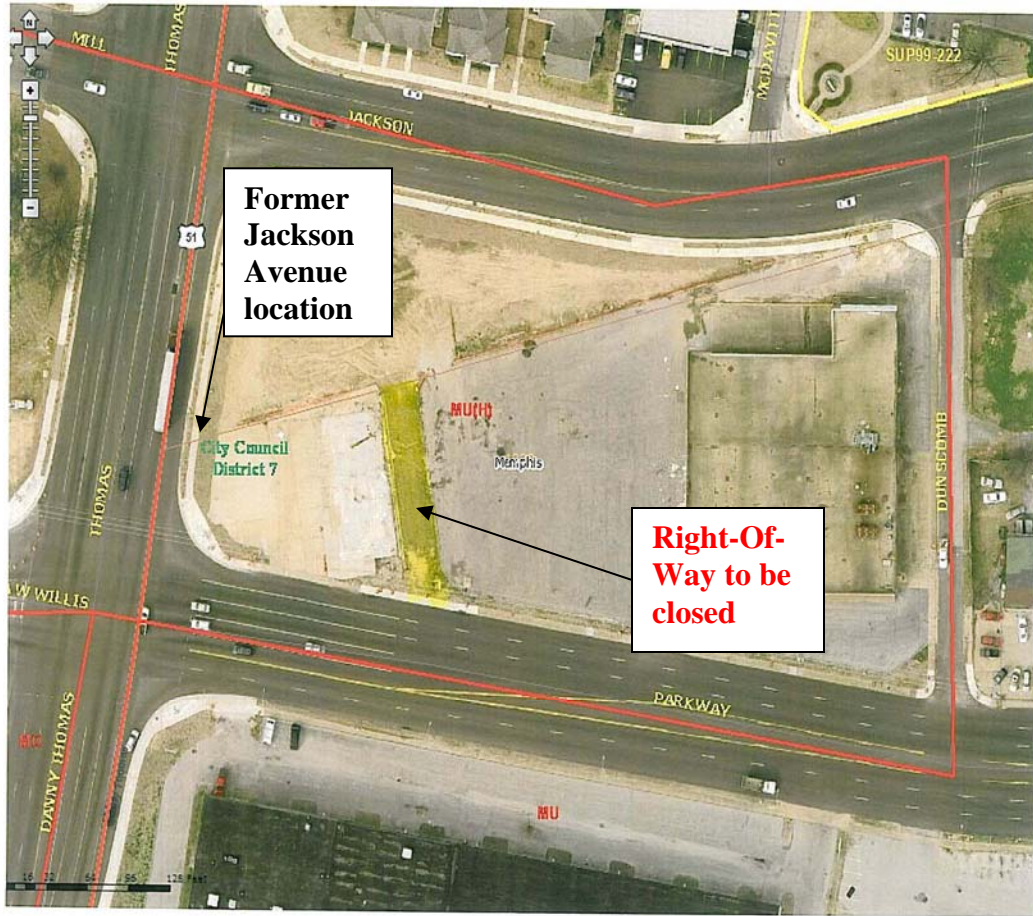
1. Peyton Street previously connected to Jackson Avenue from North Parkway. With the realignment and relocation of the Jackson Avenue intersection with Thomas Street, the Peyton Street connection no longer exists and the right-of-way serves no useful public purpose.
2. Closing the right-of-way will permit the redevelopment of the abutting vacant properties with a use(s) authorized by the Uptown Memphis Plan. Without the closing, redevelopment of the properties abutting the right-of-way is hampered.

Vicinity Map



Date: 01/21/08
Prepared By:
Property Research Data
PRD Job #08-009





STAFF ANALYSIS

Peyton Street is currently an unused right-of-way abutting vacant properties in Uptown Memphis in a principal location in terms of redevelopment in Uptown Memphis. The street previously connected to Jackson Avenue from North Parkway, but this connection ceased with the realignment and relocation of Jackson Avenue north of the street. The street right-of-way no longer serves a public purpose.

Development plans are being explored for the properties bounded by Jackson Avenue to the north, North Parkway to the south, Dunscomb Place to the east, and Thomas Boulevard to the west. The right-of-way is within this area and would hamper the ability to redevelop it. Closing the street right-of-way will permit the now vacant properties abutting it to be redeveloped with uses consistent with the Uptown Memphis Plan.

RECOMMENDATION: Approval subject to the following 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 two years of the conditional approval of the closure by the City Council.

GENERAL INFORMATION

Zoning Atlas Page: 1930

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 365 days 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: Branch

No comments by the Water Quality
& Septic Tank Program.

City 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

- **Water Main:** MLGW has a known existing 6" water main in Peyton Street, which terminates approximately 235' north of the water valve in North Parkway. The owner/applicant may choose to relocate existing utilities at the expense of the owner/applicant.
- **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 private facilities, and the owner/applicant will be billed a monthly fee 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.
- **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 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 pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

AT and T: AT&T Tennessee has no comment.

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.

Winchester Park Community Association: No comments received.

Downtown Neighborhood Association: No comments received.

Uptown Neighborhood Association: No comments received.

Downtown Memphis Commission: The Downtown Memphis Commission supports this application. The re-alignment of Jackson and North Parkway along with the removal of the no left turn signal at Danny Thomas eliminated the need for this right of way. The new contiguous property will make it possible for a larger planned development.