

**PLANNING COMMISSION MINUTES**  
**October 29, 2020**

**CONSENT AGENDA**

**CASE NO. 20-STRCLOSURE-0015**

Request: Closure of public right-of-way  
Project Name: Cardinal Farms, LLC Alley Closure  
Location: Unnamed Alley west of S 13th St and south of Maple St  
Owner: Louisville Metro  
Applicant: Cardinal Farms, LLC  
Representative: Mindel, Scott and Associates  
Jurisdiction: Louisville Metro  
Council District: 6 - David James

**Case Manager: Jay Lockett, AICP, Planner I**

Notice of this public hearing appeared in The Courier-Journal, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

00:08:41 Jay Lockett said Commissioner Carlson had asked for additional confirmation from Louisville Metro Fire regarding this case. Mr. Lockett said that he had sent an e-mail to Louisville Fire but had not received a response. He noted that, typically, Louisville Fire does not comment on street closures in his experience; they usually defer to Metro Safe.

**An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

00:09:30 On a motion by Commissioner Howard, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that adequate public facilities are available to serve existing and future needs of the community. The proposed closure does not result in an increase in demand on public facilities or services as utility agencies have coordinated with the applicant and/or applicant's

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representative and Planning and Design Services staff to ensure that facilities are maintained or relocated through agreement with the developer. No property adjacent or abutting the rights-of-way to be closed will be left absent of public facilities or services, or be dispossessed of public access to their property. The applicant will provide necessary easements or relocation of equipment per utility agency requirements; and

**WHEREAS**, the Commission further finds that any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer, including the cost of improvements to those rights-of-way and adjacent rights-of-way, or the relocation of utilities and any additional agreement reached between the utility provider and the developer; and

**WHEREAS**, the Commission further finds that the request to close multiple rights-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Mobility Goal 2, Policy 2 states to coordinate use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users; Mobility Goal 2, Policy 7 states that the design of all new and improved transportation facilities should be accessible and; Mobility Goal 3, Policy 1 states to provide transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management.

Provide walking and bicycling opportunities to enable activity centers to minimize single- occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling; Mobility Goal 3, Policy 2 seeks to improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers; Mobility Goal 3, Policy 3 to evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices; Mobility Goal 3, Policy 5 to evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality; and Mobility Goal 3, Policy 12 states to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. Where appropriate, provide at least one continuous roadway through the development to tie all local access roads or parking areas to the arterial street system. Adequate stub streets and pedestrian connections should be provided by developments. Any cost

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associated with the rights-of-way to be closed will be the responsibility of the applicant or developer. Adequate public facilities are available to serve existing and future needs of the community. Any facility required to be placed in an easement or relocated will be done so by the developer. Transportation facilities have been provided to accommodate future access and to not dispossess property owners of public access. All adjacent lands maintain access to public infrastructure and utility services will continue to be provided to these lands; and

**WHEREAS**, the Commission further finds that there are no other relevant matters to be considered by the Planning Commission; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested Closure of Public Right-of-way described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Daniels, Carlson, Brown, Seitz, Peterson, Howard, Lewis Mims, and Jarboe.**

**ABSTAINING: Commissioner Sistrunk.**

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
**October 22, 2020**

**NEW BUSINESS**

**CASE NO. 20-STRCLOSURE-0015**

Request:	Closure of public right-of-way
Project Name:	Cardinal Farms, LLC Alley Closure
Location:	Unnamed Alley west of South 13 <sup>th</sup> Street and south of Maple Street
Owner:	Louisville Metro
Applicant:	Cardinal Farms, LLC
Representative:	Mindel, Scott and Associates
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Jay Luckett, AICP, Planner I
Presented By:	Julia Williams, Planning Supervisor

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

00:05:30 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

00:08:34 Commissioner Brown asked if there's a development plan or planned improvements with this street closure. Ms. Williams said no, not at this time.

00:09:04 Commissioner Carlson asked if Metro Safe's concern was eliminated or satisfied. Ms. Williams said their concern was eliminated. Also, has the fire dept. seen the proposal and in agreement with it? Ms. Williams said they received a copy of the plat but didn't comment. Commissioner Carlson wants to know their comment, if they're in favor or against it.

**The following spoke in favor of this request:**

Kathy Linares, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

**Summary of testimony of those in favor:**

00:12:37 Ms. Linares stated there's plenty of access and the alley is only used by the owners of the building. There's no current plan for development.

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00:13:56 Commissioner Brown asked Ms. Linares if the right-of-way will be split down the middle or will it go to one side or the other to continue using it as access. Ms. Linares said it will be split but there has been discussion about one person selling to the other in the future.

**Deliberation**

00:15:00 Planning Commission deliberation.

**An audio/visual recording of the Land Development & Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby schedule this case for the October 29, 2020 Planning Commission Consent Agenda.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels and Peterson**

**NOT PRESENT AND NOT VOTING: Commissioner Lewis**