

PLANNING COMMISSION MINUTES
February 7, 2019

PUBLIC HEARING
CASE NO. 18STREETS1028

Request: Alley Closure for an unnamed alley between East Gray Street and Springer Alley
Project Name: Gray and Clay
Location: 709/715 East Gray Street, 710, 712 and 716 East Chestnut Street and 616-634 South Shelby Street
Owner: Louisville Metro Government
Applicant: LDG Multi-Family
Representative: Sabak Wilson and Lingo Inc.; Dinsmore and Shohl LLP
Jurisdiction: Louisville Metro
Council District: 4- Barbara Sexton Smith
Case Manager: Julia Williams, AICP, Planning Supervisor

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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:58:15 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, LLP, 101 South 5th Street, Suite 2500, Louisville, Ky. 40202

Kelli Jones, Sabak, Wilson and Lingo Inc., 608 South 3rd Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

01:05:33 Mr. Ashburner gave a power point presentation. The area is transitional.

01:11:10 Ms. Jones stated there will be street trees and a lot of area for residents to be outside and safe. There are overhead power lines, but the street tree canopy requirements will be met. Regarding the site distance, there will be a proposed wing wall and walkable grates.

01:15:44 Mr. Ashburner stated that the Phoenix Hill Historic District has a National Register nomination. The building is in very poor condition. There have been no neighbors to come forward wanting to preserve the building.

Deliberation

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01:23:09 Planning Commission deliberation. Commissioner Brown stated he can't support the variance for a 0 foot setback. Commissioner Daniels stated she has walked that area for a number of years and it is a dangerous spot. Commissioner Tomes said the sidewalk could be a little wider. Also, if the doors swing out into the public sidewalk, it could be problematic. Acting Chair Carlson stated the applicant may want to come back with a different design.

01:30:30 Mr. Ashburner proposed a variance approval conditioned upon submitting a revised plan to pull the building out of the site triangle. Commissioner Brown requests a 5 feet and 5 feet triangle. Mr. Ashburner agreed.

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.

On a motion by Commissioner Howard, seconded by Commissioner Peterson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, 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 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; and

WHEREAS, 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 Louisville Metro Planning Commission finds, the request to close multiple rights-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Guideline 7, Policy 1 provides that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development; Guideline 7, Policy 6 strives 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; Guideline 7, Policy 9 provides that the Planning Commission or legislative body may require the developer to dedicate rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development as set forth in the Land

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Development Code and/or an adopted urban mobility plan; Guideline 8, Policy 8 states that Adequate street stubs for future roadway connections that support access and contribute to appropriate development of adjacent lands should be provided by new development and redevelopment; and Guideline 14, Policy 7 provides that the design and location of utility easements provide access for maintenance and repair and to minimize negative visual impacts. Any cost 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 Louisville Metro Planning Commission further finds there are no other relevant matters to be considered by the Planning Commission.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council to **APPROVE** the alley closure.

The vote was as follows:

YES: Commissioners Brown, Daniels, Howard, Peterson, Smith and Carlson
NOT PRESENT AND NOT VOTING: Commissioners Robinson, Smith, Lewis and Jarboe

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

January 17, 2018

New Business

Case No. 18STREETS1028

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Location: 709/715 E. Gray Street, 710, 712, & 716 E. Chestnut Street, & 616-634 S. Shelby Street
Owner: Louisville Metro Government
Applicant: LDG Multi-Family
Representative: Sabak Wilson and Lingo Inc.; Dinsmore and Shohl LLP
Jurisdiction: Louisville Metro
Council District: 4- Barbara Sexton Smith

Case Manager: **Julia Williams, AICP, Planning Supervisor**

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 LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Note: This case was heard with Case No. 18ZONE1052 (see staff report and recording for detailed presentation.)

An audio/visual recording of the Land Development and 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.

The Committee by general consensus scheduled 18STREETS1028 and 18ZONE1052 to be heard at the **February 7, 2019** Planning Commission public hearing.