

**Planning Commission
Staff Report**

December 4, 2014



Case No:	14STREETS1009
Request:	Alley Closure on the north side of Eastbourne Avenue, running between the properties at 3301 Eastbourne Avenue and 135-141 North Crestmoor Avenue
Project Name:	Balmer Alley Closure
Location:	3301 Eastbourne Ave.
Owner:	Louisville Metro
Applicant:	Sarah Balmer
Representative:	Sarah Balmer Jason Graves Land Surveying
Jurisdiction:	Louisville Metro
Council District:	9 – Tina Ward-Pugh
Case Manager:	David B. Wagner – Planner II

REQUEST

- Closure of a 20' wide alley on the north side of Eastbourne Avenue, running between the properties at 3301 Eastbourne Avenue and 135-141 North Crestmoor Avenue

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to an entire length of an unimproved 20' wide alley that has already been serving as residential yard space. The applicant states that she has already been performing upkeep work on the space and that the other adjoining property owners desire to have someone to take responsibility for taking care of the area.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Right-of-Way	R-5	TN
Proposed	Yard Space	R-5	TN
Surrounding Properties			
North	Single Family Residential	R-5	TN
South	Single Family Residential	R-5	TN
East	Single Family Residential	R-5	TN
West	Single Family Residential	R-5	TN

PREVIOUS CASES ON SITE

- Staff did not find any previous cases on the site.

INTERESTED PARTY COMMENTS

- Staff received a request for information from Mr. Chris Kiefer (138 Fenley Ave.) and provided general information.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR STREET AND ALLEY CLOSURES

1. Adequate Public Facilities – Whether and the extent to which the request would result in demand on public facilities and services (both on-site and off-site), exceeding the capacity or interfering with the function of such facilities and services, existing or programmed, including transportation, utilities, drainage, recreation, education, emergency services, and similar necessary facilities and services. No closure of any public right of way shall be approved where an identified current or future need for the facility exists. Where existing or proposed utilities are located within the right-of-way to be closed, it shall be retained as an easement or alternative locations shall be provided for the utilities.

STAFF: Adequate public facilities will be maintained as the alley is unimproved and no utility has any concerns with the proposal.

2. Where existing or proposed utilities are located within the right of way to be closed, it shall be retained as an easement or alternative locations shall be provided for the utilities.

STAFF: Any utility access necessary within the right of way to be closed will be maintained by agreement with the utilities.

3. Cost for Improvement – The cost for a street or alley closing, or abandonment of any easement or land dedicated to the use of the public shall be paid by the applicant or developer of a proposed project, including cost of improvements to adjacent rights-of-way or relocation of utilities within an existing easement.

STAFF: The applicant will provide the cost for improvements.

4. Comprehensive Plan – The extent to which the proposed closure is in compliance with the Goals, Objectives and Plan Elements of the Comprehensive Plan.

STAFF: The closure complies with the Goals, Objectives and Plan Elements of the Comprehensive Plan found in Guideline 7 (Circulation) and Guideline 8 (Transportation Facility Design). The alley is unimproved and does not provide access to any adjoining property owner. There will be no interruption to the street hierarchy in the area.

5. Other Matters – Any other matters which the Planning Commission may deem relevant and appropriate.

STAFF: There are no other relevant matters.

TECHNICAL REVIEW

Louisville Fire District – **No Response**

E-911/Metro Safe Addressing – **Approved**

AT&T – **Approved**

MSD – **Approved**

Louisville Metro Health Department – **Approved**

Louisville Gas & Electric – **Approved**

Louisville Water Company – **Approved**

Louisville Metro Public Works – **Approved**

Historic Preservation – **Approved**

TARC – **Approved**

STAFF CONCLUSIONS

The proposal meets or exceeds all applicable items of the comprehensive plan in regards to the Traditional Neighborhood Form District. The alley is an unimproved right-of-way and does not provide access to any adjoining property owner.

The proposal is in order to be placed on the earliest possible Consent Agenda of the Planning Commission as 100% of the adjoining property owners have given their consent to the closure.

Required Actions

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Planning Commission must **RECOMMEND** Louisville Metro Council **APPROVE** or **DENY** this proposal.

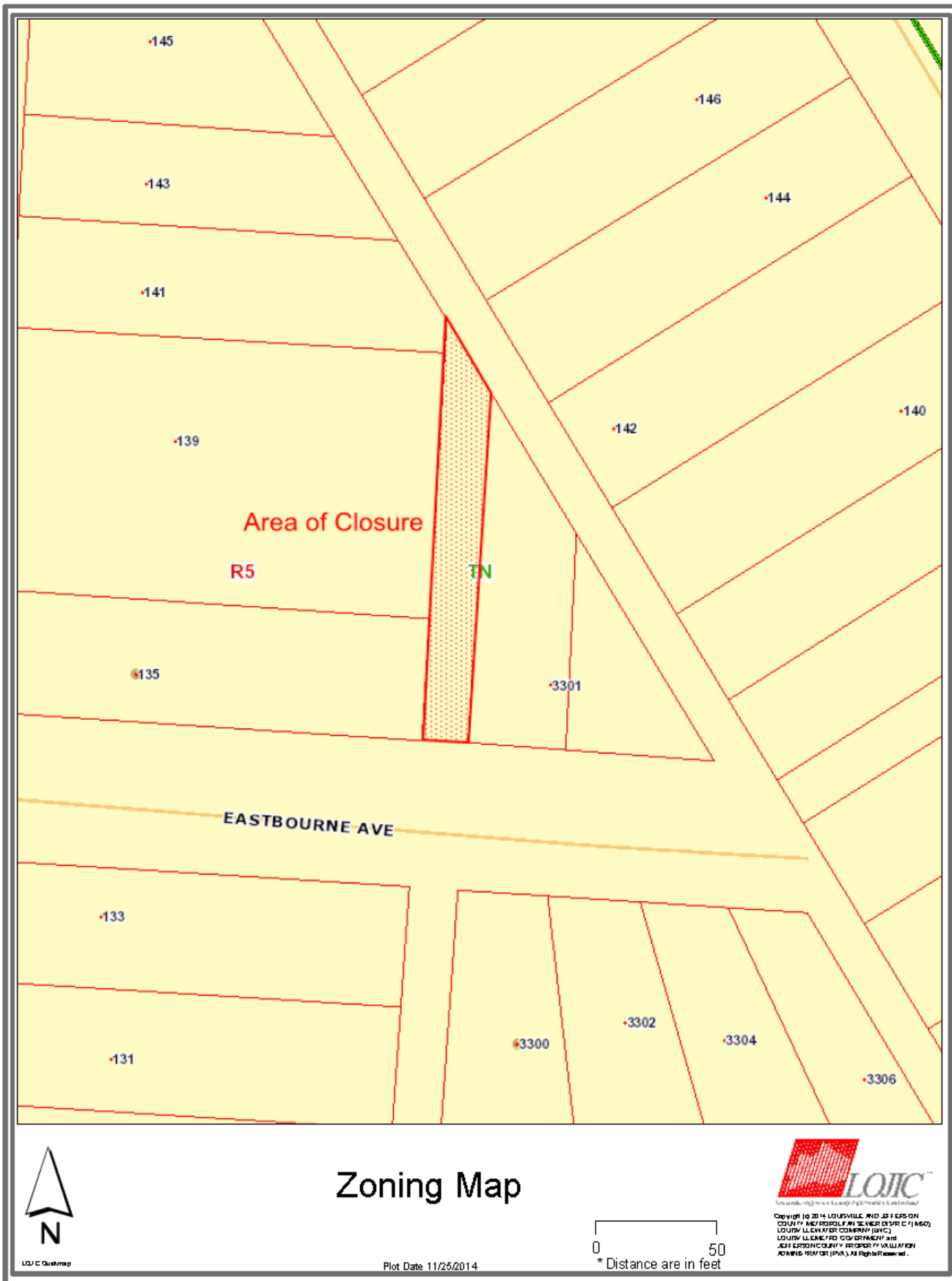
NOTIFICATION

Date	Purpose of Notice	Recipients
11/18/14	Meeting before DRC	1 st tier adjoining property owners Subscribers to Council District 9 Notification of Development Proposals

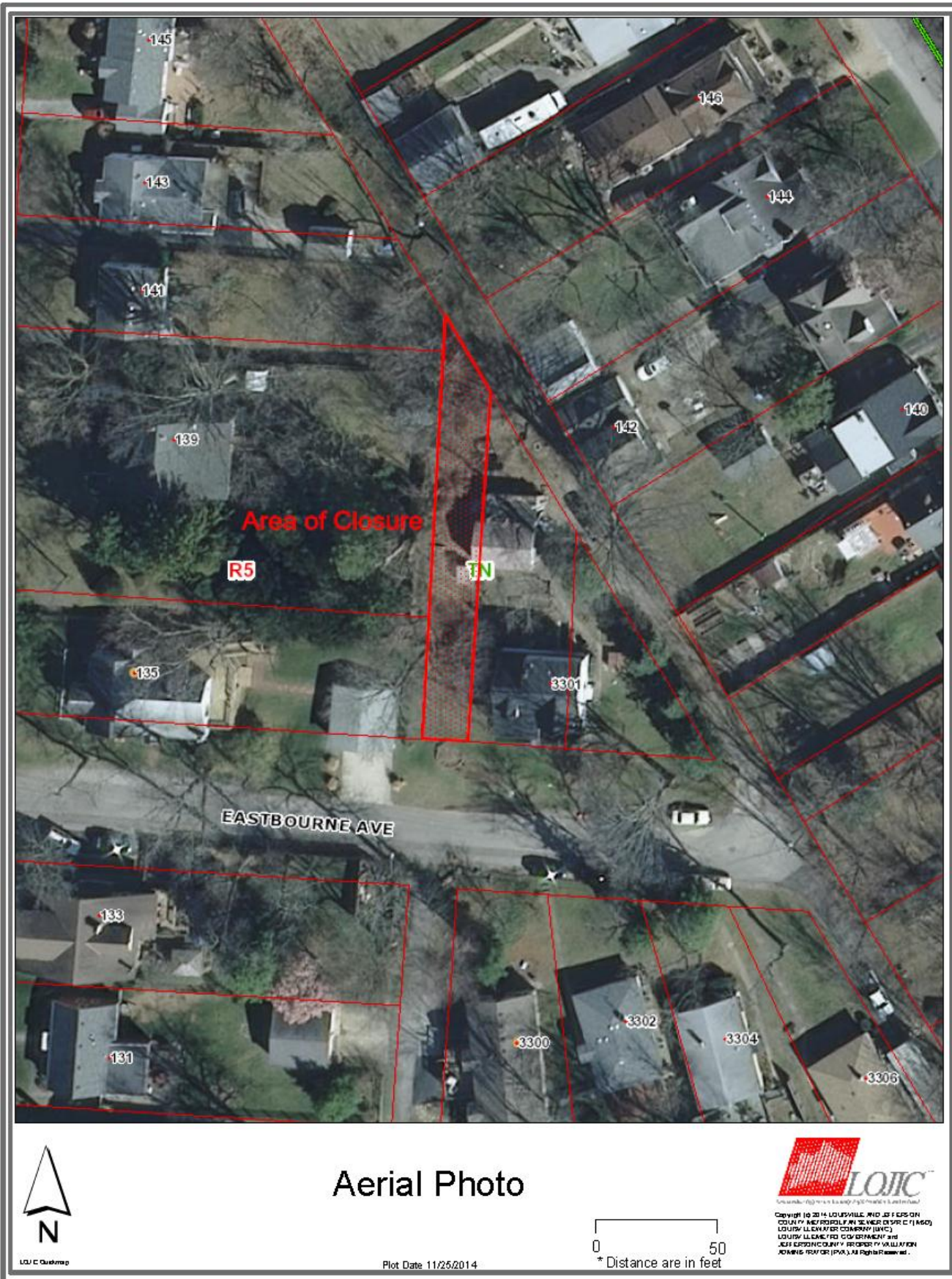
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist for Traditional Neighborhood

1. **Zoning Map**



2. Aerial Photo



3. Cornerstone 2020 Staff Checklist for Traditional Neighborhood

- + Exceeds Guideline
- √ Meets Guideline
- +/- More Information Needed
- Does Not Meet Guideline
- NA Not Applicable

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
36	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	√	The proposal will contribute its proportional share of the cost of closure as the applicant is paying all associated fess with the closure.
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	√	The proposal's transportation facilities are compatible with and support access to surrounding land uses as the alley is unimproved and allows for the area to be kept up by the applicant.
38	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	NA	The proposal does not include right-of-way dedication as the closure will not impact mass transit, cyclists, or pedestrians.
39	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	The proposal is not a development proposal and, therefore, does not require stub streets for the future development of adjacent land.
40	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	√	The proposal avoids access through areas of significantly lower density as the surrounding area is entirely residential and does not provide access at all since it is unimproved right-of-way.
41	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	NA	The proposal is not a development proposal and, therefore, does not require stub streets for the future development of adjacent land.