

**PLANNING COMMISSION MINUTES**  
**October 21, 2021**

**PUBLIC HEARING**

**CASE NO. 21-STRCLOSURE-0023**

Request: Closure of Public right-of-way  
Project Name: McDonald's W Broadway Alley  
Location: Alleys adjacent to 207 W Broadway, 650, 652, 654, 656, and  
658 S 2nd St and 659 S 3rd St  
Owner: Louisville Metro  
Applicant: McDonalds Corporation  
Representative: Wyatt, Tarrant and Combs, LLP  
Jurisdiction: Louisville Metro  
Council District: 4 - Jecorey Arthur  
**Case Manager: Jay Luckett, AICP, Planner I**

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:**

00:43:13 Jay Luckett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:46:43 In response to questions from Commissioner Mims, mr. Luckett said that St. Francis has agreed to the closure as they are the primary property owner affected.

**The following spoke in support of the request:**

Jon Baker, Wyatt Tarrant & Combs, 400 W Market St. Suite 2000, Louisville, KY 40202

**Summary of testimony of those in support:**

00:48:10 Jon Baker, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:58:56 In response to questions from Commissioner Sistrunk, Mr. Baker said McDonalds and Public Works are working out the specific logistics of the drive through lanes entrances. Closure of the alleys will open up space to enter the lanes and the restaurant access. Transportation Planning will have input of traffic movement on this site prior to approval.

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01:00:52 In response to questions from Commissioner Mims, Mr. Baker discussed traffic movement and access for St. Francis.

01:02:42 In response to questions from Commissioner Carlson, Mr. Baker used an aerial slide to point out the locations of St. Francis property, and how St. Francis parking spaces will be accessed (see recording for detailed discussion.)

**The following spoke in opposition to the request:**  
No one spoke.

**Deliberation:**

01:06:33 Commissioners' deliberation.

**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.**

01:09:35 On a motion by Commissioner Howard, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, 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 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

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**WHEREAS**, the Commission further finds that the request meets the Comprehensive Plan because the request to close the right-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 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 the applicant, McDonald's Corporation, proposes to close the remaining portions of an unnamed alley fronting the rear (northern) property line of property the McDonald's Corporation owns at 207 W. Broadway, Louisville, KY (the "Site"), as well as an intersecting alley located between properties to the north of 207 W. Broadway and between S. 2nd and S. 3rd Streets, of which are owned by St Francis School INC ("St. Francis"); the applicant previously filed

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its pre-application on this very matter, which Louisville Metro Planning and Design Services assigned thereto Case No. 21-STRCLOSUREPA-019; the Commission, for the reasons set forth in its adopted findings of fact set forth herein, recommends to the Louisville Metro Council that the application to permanently close the public alleyway subject of this request complies with and meets applicable provisions of the Land Development Code and Plan 2040, A Comprehensive Plan for Louisville ("Plan 2040"); as mentioned in the applicant's Pre-Application filings, the proposed street closure, together with an updated redesign of the Site, will help alleviate safety concerns stemming from the current site design where, from time to time, vehicles entering the Site stack out into S. 2nd Street during peak hours because a suboptimal drive-thru design is failing to efficiently move vehicles thru the site; and

**WHEREAS**, the Commission further finds that, more specifically, the narrower portion of the alley fronting the Site's northern property line is a 12' wide, located approximately 148 feet north of where the western right-of-way boundary to S. 2nd Street intersects with the northern right-of-way boundary of W. Broadway – it being the first public alley on the west side of S. 2nd Street, north of W. Broadway – and running between S 2nd and S 3rd Street; connected to the 12' portion of the alley is a wider 20' portion of the alley that runs north (parallel with S. 3rd and S. 2nd Streets) from its intersection with the northern boundary of the 12'- wide portion of the alley until it terminates at a property line shared with 631 S. 3rd Street; said 20'-wide portion of the alley provides zero vehicular access to the 631 S. 3rd Street property; (See Street Closure Plat of Remaining 12' & 20' Alley, dated 07-26-2021, and drafted by Kevin M. Philips, Licensed Professional Land Surveyor with Endris Engineering, License # 3350, submitted along with McDonald's Street Closure Application; the "Street Closure Plat"); as part of the applicant's desire to redevelop and modernize its store location on the Site, the applicant seeks to close the remaining portions of the alley to facilitate a safer design of the Site, especially for vehicular access thereto and movement thereon; and

**WHEREAS**, the Commission further finds that applicant submits its request to close the alley with consent from its neighbor, St. Francis, which owns properties located at 233 W. Broadway, 659 S. 3rd Street, and 650 – 658 S. 2nd Street (St. Francis Properties); See St. Francis' consent provided as part of the applicant's submitted pre-application; an original copy of the consent has been provided to Louisville Metro Planning and Design Services; in 2013, the Louisville Metro Council approved St. Francis' request to close the portion of the alley that ran from the current terminus of the existing alley, westward to S. 3rd Street; said portion of the alley ran between St. Francis' 233 W. Broadway and 659 S. 3rd Street properties, and provided public access for vehicles traveling between S. 2nd and S. 3rd Streets; after closure of that portion of the alley, public access between S. 2nd and S. 3rd Streets ceased, although access thru the private parking lot of St. Francis remains today for vehicles using St. Francis' parking field; and considering Louisville Metro's closure of the western portion of the public alley

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in 2013, the Commission finds the applicant's request to close the residual portion of the same alley is appropriate and will not disrupt necessary public roadway service to any property or to the general public; and

**WHEREAS**, between McDonald's and St. Francis, the two parties own property representing more than 97% of the frontage along the alley subject of the street closure request; the 20'-wide portion of the alley terminates at the southern property line of the 631 S. 3rd Street tract, owned by TMF III Crescent, LLC, where a masonry wall of a parking garage sits and prevents any connection to vehicular traffic; therefore, the alley does not serve 631 S. 3rd Street with vehicular access; numerous efforts to contact the owners of 631 S. 3rd Street about the closure of the 20' alley have been unanswered and nonresponsive; and

**WHEREAS**, the applicant has been in discussions with various Louisville Metro Departments about its plans to redevelop the Site and, as stressed by Metro, how said redevelopment needs to address the current traffic-related safety issues involving vehicular access to the Site from S. 2nd Street, particularly the associated stacking of vehicles out into the S. 2nd Street right-of-way during peak hours (notably a.m. peak hours), which, at times, can result in blocking the north-south flow of traffic on S. 2nd Street; the stacking is largely being caused by high vehicular drive-thru demand during peak hours combined with a dated, inefficient site design, including underperforming functionality of the drive-thru; with redevelopment of the site, the applicant will install a new drive-thru design incorporating dual-lane service on the Site, a design successfully utilized by other similar drive-thru restaurants in Louisville Metro; for the applicant to implement its proposed design for the Site (and cure the aforementioned vehicular access safety issues), the applicant (and its neighboring property owner) desires to close the alley and incorporate the area from the Site's northern property line to the centerline of said alley into the vehicular use area of the redeveloped Site; the redesigned Site will accommodate more vehicles onsite within its drive-thru lanes, and more efficiently move those vehicles thru the drive-thru and, ultimately, off the Site, thereby lessening the occurrences of vehicles stacking into S. 2nd Street, which the Commission finds to be an improvement from the existing condition today; additionally, the closure of the alley will remove the alley's curb cut onto S. 2nd Street, which, as of today, sits between and adjacent to two other curb cuts onto S. 2nd Street, and causes an undesirable traffic condition of having three consecutive, yet separate, individual curb cuts onto the western frontage of S. 2nd Street; and

**WHEREAS**, properties located along all sides of the alley are zoned C-3 Commercial and within the Downtown Form District; according to Plan 2040 Goal 1, Policy 3.1.1. the Downtown Form is characterized by its location near the center of the population it serves; the Downtown Form is comprised of predominantly office, commercial, civic, medical, high-density residential and cultural land uses where a grid pattern of streets is

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designed to accommodate a large volume of vehicular traffic and public transportation; the Downtown Form should give identity to the whole community and should provide for a mixture of high density and intensity uses; further, Mobility Goal 2, Policy 2 recommends coordinating 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 encourages 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 activity centers to facilitate 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. Mobility Goal 3, Policy 5 recommends evaluating 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 recommends transportation facilities of new developments be compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands; for reasons discussed above, the Commission finds the applicant's request to close the alley accommodates growth and change in the immediate activity center near S. 2nd Street and W. Broadway because it allows the applicant to update and modernize the overall design of its Site, while improving the access management to/from the Site, notably as it relates to S. 2nd Street; the Commission further finds the aforementioned improvements to the Site will improve safety surrounding accessibility of not only the Site, but also to north and south traffic flows on S. 2nd Street and W. Broadway, during peak hours; and

**WHEREAS**, the Commission finds the requested closure of the remaining portions of alleyway will not result in a demand on public facilities and services that exceeds the capacity of such facilities because, with property site design improvements, adequate facilities are available for use to serve the existing and future demands of the surrounding area and community who relies upon the same; rather, as explained hereinabove, closure of the alley will help alleviate back-up traffic from the Site onto S. 2nd Street during peak hours, thereby lessening demand on public facilities serving not only the Site, but also the immediate area; moreover, the existing remaining alleyway currently only serves St. Francis and McDonald's properties and provides no thru traffic between S. 2nd Street and S. 3rd Street; all properties owned by St. Francis and McDonald's will have access to the public roadway network; the applicant has coordinated or will coordinate with utility agencies so that facilities in their current locations are maintained or, if required, relocated to another area so that utility services can be maintained; therefore, the Commission finds the proposed closure of the alley

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public right-of-way will not interfere with or exceed the capacity of the existing roadway infrastructure; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested street closure be **APPROVED**.

**The vote was as follows:**

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

**NOT PRESENT: Commissioners Clare and Seitz.**

**MINUTES OF THE MEETING  
OF THE  
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE  
September 9, 2021**

**NEW BUSINESS**

**21-STRCLOSURE-0023**

Request:	Closure of Public Right-of-Way
Project Name:	McDonald's W Broadway Alley
Location:	Alleys adjacent to 207 W Broadway, 650, 652, 654, 656, and 658 S 2 <sup>nd</sup> St and 659 S 3 <sup>rd</sup> St
Owner(s):	Louisville Metro
Applicant:	McDonalds Corporation
Representative:	Wyatt, Tarrant and Combs, LLP
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	<b>Jay Lockett, AICP, Planner I</b>

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.)

**Agency Testimony:**

00:08:08 Jay Lockett explained the owner of one of the adjacent properties has not signed off, so the case must go to a public hearing. The case is ready for a public hearing.

Commissioner Sistrunk asked why the owner had not signed off. Jay Lockett said he believed they attempted to but were unable to reach the owner.

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

Jon Baker, 400 W Market Street Suite 2000, Louisville, KY 40202

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

00:09:20 Jon Baker, the applicant's representative, explained that they have attempted to contact this adjoining property owner but have not heard from them. The property does not have physical access to this alleyway. He also explained why the McDonalds wants to close this alley and their development plans.



**MINUTES OF THE MEETING  
OF THE  
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE  
September 9, 2021**

**NEW BUSINESS**

**21-STRCLOSURE-0023**

**00:14:10 Commissioners' 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.**

The Committee by general consensus scheduled this case to be heard at the **October 21, 2021** Planning Commission public hearing.