

# Planning Commission

## Staff Report

October 20, 2016



<b>Case No:</b>	<b>16streets1011</b>
<b>Request:</b>	<b>Alley Closures</b>
<b>Project Name:</b>	<b>Baxter/Broadway Apartments</b>
<b>Location:</b>	<b>626-656 Baxter Ave, 1203-1249 E. Broadway, &amp; 1014-1026 Rogers St.</b>
<b>Owner:</b>	<b>Baxter Avenue Realty LLC, Roppel Industries, Riche Properties LLC, &amp; Triangle Realty LLC</b>
<b>Applicant:</b>	<b>Edwards Companies</b>
<b>Representative:</b>	<b>Gresham Smith and Partners; Bardenwerper Talbott and Roberts PLLC.</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>4-David Tandy</b>
<b>Case Manager:</b>	<b>Julia Williams, RLA, AICP, Planning Supervisor</b>

### REQUEST

- Alley Closure for the unnamed alley between Rogers Street and another unnamed alley is proposed for closure
- Alley closure for a portion of an unnamed alley the extends from Baxter Avenue to Rubel Avenue

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to close 2 segments of alley right-of-way per the approved development plan associated with Case #15zone1068.

### PREVIOUS CASES ON SITE

15-zone1068- Change in zoning from R-6, OR-3, C-1, and C-2 to CR and C-2.

B-8-94- The variance allows six proposed off-street parking spaces to be located 5 feet from the Broadway front property line at their closest point. (Old Phoenix Hill Tavern site)

B-88-98- The variance allows the proposed enclosed entry to be located 0 feet from the required rear property line. (Old Phoenix Hill Tavern site)

### INTERESTED PARTY COMMENTS

Staff has not received comments or inquiries from any interested parties.

### APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code
- Phoenix Hill Neighborhood Plan (February 2008): No specific recommendations regarding alley closures.

## 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; and

STAFF: The closure of these alley segments results in no demand on public facilities and services currently or in the future as no objections to the closure have been received by utility agencies.

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; and

STAFF: Any utility access necessary within the right-of-way to be closed will be maintained by agreement with the utilities. Utility agencies did not indicate the existence of utilities or the need for future 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; and

STAFF: The applicant will provide for the 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; and

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). Any physical improvements necessary for the closure will be completed by the applicant. Right-of-way proposed for closure does not serve as the only public access to surrounding uses or obstruct circulation with adjacent uses.

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

STAFF: There are no other relevant matters.

### TECHNICAL REVIEW

Louisville Fire District – No Response  
E-911/Metro Safe Addressing – Approved  
AT&T – No response  
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 with respect to the Traditional Neighborhood and Marketplace Form Districts wherein this site is located.

### 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.

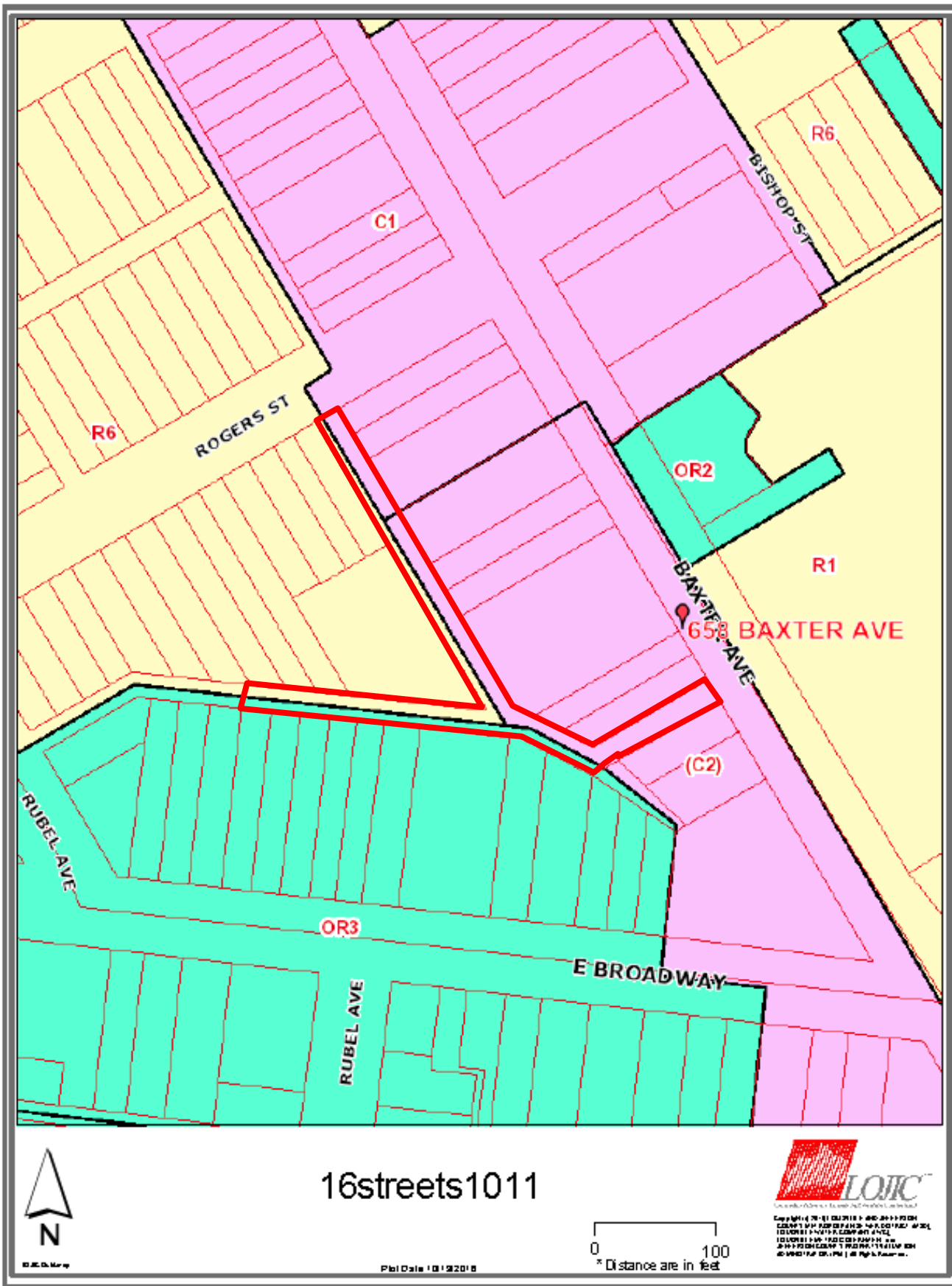
## NOTIFICATION

Date	Purpose of Notice	Recipients
9/16/16	Hearing before PC on 10/20/16	1 <sup>st</sup> tier adjoining property owners Subscribers of Council District 4 Notification of Development Proposals

## ATTACHMENTS

1. Zoning Map
2. Aerial Map

1. Zoning Map





2. Aerial Photo

