

PLANNING COMMISSION MINUTES
November 16, 2017

PUBLIC HEARING

CASE NO. 17STREETS1014

Case No: 17STREETS1014
Project Name: Avoca Road Apartments
Location: Avoca Road (west of North English Station Road to Railroad)
Owner(s): City of Louisville
Applicant: LDG Development
Representative(s): Dinsmore and Shohl LLP
Jurisdiction: Louisville Metro
Council District: 19-Julie Denton
Case Manager: Julia Williams, RLA, AICP, Planning Supervisor

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

Agency Testimony:

00:11:59 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 S. 5th Street, Suite 2500, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:15:36 Mr. Ashburner stated, "The street closure we're seeking today is to give effect to binding element 7 in the rezoning case, which states, 'The applicant shall file a formal street closure application for the portion of Avoca Rd. to the west of the entrance to the subject property before approval of any construction plans for the proposed development.' There is an added condition: The applicant shall/should Louisville Metro government approve the street closure application, remove all pavement from the portion of the road that is closed.

Deliberation

PLANNING COMMISSION MINUTES
November 16, 2017

PUBLIC HEARING

CASE NO. 17STREETS1014

00:18:08 Planning Commission 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.

Partial Street Closure of Avoca Road beginning approximately 975 feet west from the intersection of Avoca Road at N. English Station Road to the Avoca Road terminus at the railroad.

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

WHEREAS, adequate public facilities are available to serve existing and future needs of the community. The proposed closures do 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, utilities within the rights-of-way proposed for closure will be retained as an easement, relocated, or other arrangements made to ensure continued maintenance and provision of services to the property and community; 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 the right-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 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

PLANNING COMMISSION MINUTES
November 16, 2017

PUBLIC HEARING

CASE NO. 17STREETS1014

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 residential 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 that the partial street closure of Avoca Rd. as shown on the exhibit presented today, be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Carlson, Ferguson, Howard, Lindsey, Peterson, Smith, Tomes and Jarboe

NOT PRESENT AND NOT VOTING: Commissioner Lewis