

Planning Commission

Staff Report

October 19, 2017



Case No:	17STREETS1020
Project Name:	Morat Avenue Apartments
Location:	Beta Avenue
Owner(s):	City of Lyndon
Applicant:	Continental Properties Company, Inc
Representative(s):	Bardenwerper, Talbott, and Roberts, PLLC
Jurisdiction:	Lyndon
Council District:	18 – Marilyn Parker
Case Manager:	Laura Mattingly, AICP, Planner II

REQUEST(S)

- **Street/Alley Closure** of Beta Avenue, a 40' unimproved right-of-way running approximately 983' east/west from Alpha Avenue to its terminus

CASE SUMMARY

This unimproved right of way is being requested to be closed in order to allow for a multi-family development. The area of the closure will be consolidated with the parcels to the south.

Associated Cases

- 17ZONE1020: Change in zoning from R-4 to R-6 for 236 dwelling units on 14.27 acres. Waivers and Variances are also being requested. Approved by Planning Commission on September 21, 2017.

STAFF FINDING

The proposed closure appears to be adequately justified and meets the standard of review based on the staff analysis in the staff report. Any cost associated with the closure of this right-of-way will be the responsibility of the applicant or developer. Adequate public facilities are available to serve existing and future needs of the community. While no utilities appear to be located in the area of closure, any facility or service required to be placed in an easement or relocated will be done so by the developer, unless other arrangements have been agreed upon for the continued maintenance of facilities. Transportation and utility infrastructure will be provided to accommodate continued public access and service to adjacent residential properties.

TECHNICAL REVIEW

Louisville Fire District – No objections.

E-911/Metro Safe Addressing – No objections.

AT&T – PDS staff has not received any formal comments.

MSD – Approved

Louisville Metro Health Department – PDS staff hasn't received any formal comments.

Louisville Gas & Electric – PDS staff hasn't received any formal comments.

Louisville Water Company – Approved

Louisville Metro Public Works – Approved

Historic Preservation – Waived review.

TARC – PDS staff hasn't received any formal comments.

INTERESTED PARTY COMMENTS

Staff has not received any comments regarding the street closure.

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: 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 this is an unimproved right of way and it does not appear that any existing utilities will be affected. 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.

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: If any existing utilities within the right-of-way proposed for closure exist, they will be retained as an easement, relocated, or other arrangements made to ensure continued maintenance and provision of services to the property and community.

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: 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.

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 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 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 right-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.

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

STAFF: There are no other relevant matters to be considered by the Planning Commission.

REQUIRED ACTIONS

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Planning Commission must **RECOMMEND** that the City of Lyndon **APPROVE** or **DENY** the street/alley closure as presented.

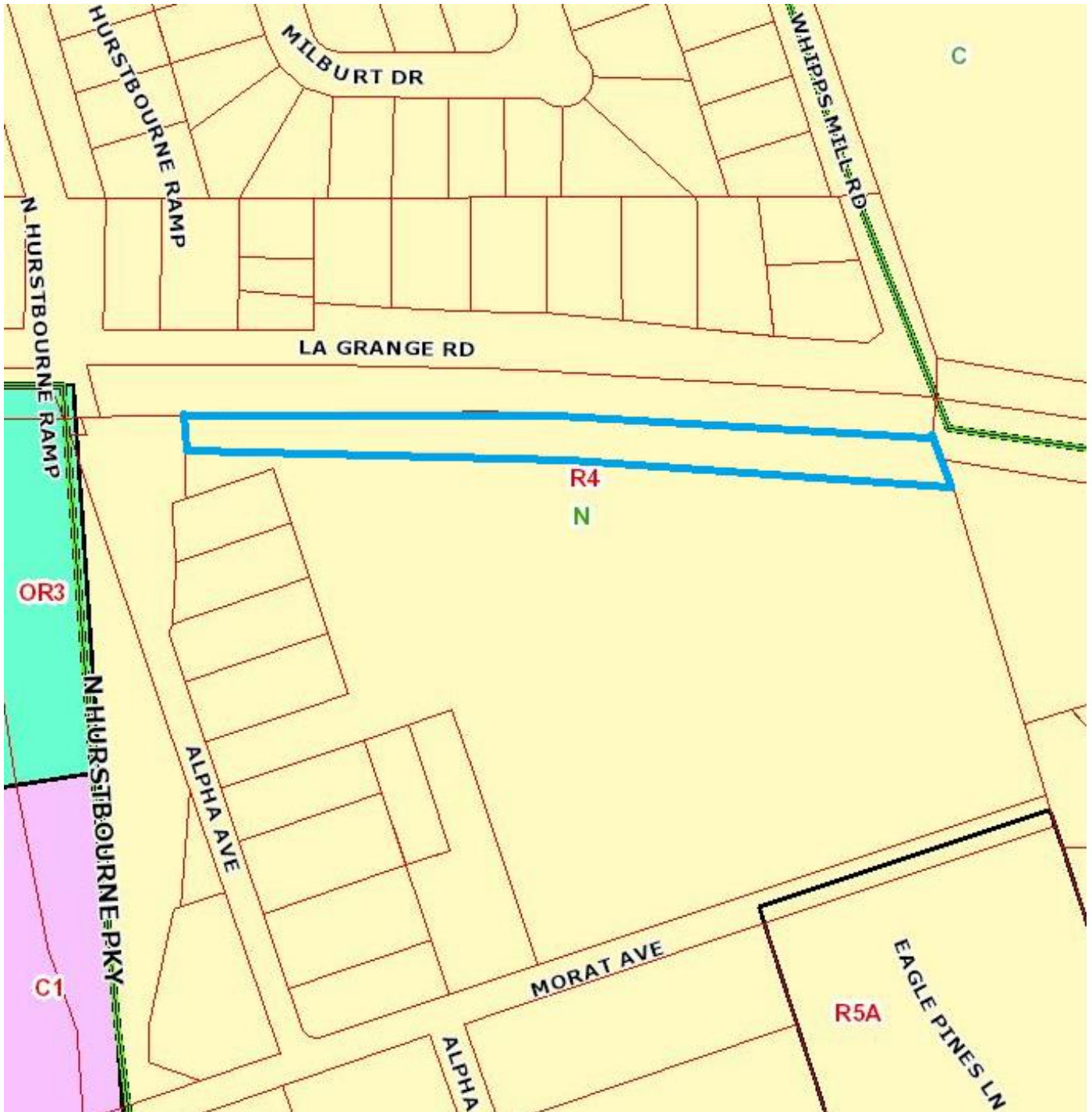
NOTIFICATION

Date	Purpose of Notice	Recipients
8/31/17	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 18
9/19/17	Hearing before PC	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 18
10/5/17	Hearing before PC	Sign Posting on property
9/9/17	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

