

PLANNING COMMISSION MINUTES
October 21, 2021

PUBLIC HEARING

CASE NO. 21-STRCLOSURE-0021

Request: Closure of Public Right-of-Way
Project Name: Ewing St Alley Closure
Location: Alley ROW adjacent to 325 S Ewing Ave and 302, 304 and
308 S Peterson Ave
Owner/Applicant: Nick Naiser
Jurisdiction: Louisville Metro
Council District: 9 - Bill Hollander
Case Manager: Jay Lockett, 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:

00:31:42 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Nick Naiser, 325 S. Ewing Street, Louisville, KY 40206

Summary of testimony of those in support:

00:37:14 Nick Naiser, the applicant, presented his case (see recording for his presentation.)

The following spoke in opposition to the request:

No one spoke.

Deliberation:

00:39:56 Commissioners' deliberation.

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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.

00:41:55 On a motion by Commissioner Carlson, seconded by Commissioner Mims, 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

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

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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; 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 Mims, Peterson, Brown, Howard, Carlson, Daniels, Sistrunk, and Lewis.

ABSENT: Commissioners Clare and Seitz.

PLANNING COMMISSION MINUTES
October 7, 2021

PUBLIC HEARING

Case No. 21-STRCLOSURE-0021

Request: **TO BE CONTINUED TO 10-21 PC MEETING** - Closure of
Public Right-of-Way
Project Name: Ewing St Alley Closure
Location: Alley ROW adjacent to 325 S Ewing Ave and 302, 304 and
308 S Peterson Ave
Owner/Applicant: Nick Naiser
Jurisdiction: Louisville Metro
Council District: 9 - Bill Hollander
Case Manager: Jay Luckett, AICP, Planner I

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

Agency Testimony:

00:08:00 Jay Luckett said this case is requested to be continued to the October 21, 2021 Planning Commission public hearing due to signage not meeting presented the notification requirements (see recording for detailed presentation.)

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.

00:09:24 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the October 21, 2021 Planning Commission public hearing.

The vote was as follows:

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PUBLIC HEARING

Case No. 21-STRCLOSURE-0021

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

ABSTAIN: Commissioner Seitz.

NOT PRESENT: Commissioner Daniels.

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
August 26, 2021**

NEW BUSINESS

21-STRCLOSURE-0021

Request:	Closure of Public Right-of-Way
Project Name:	Ewing St Alley Closure
Location:	Alley ROW adjacent to 325 S Ewing Ave and 302, 304, and 308 S Peterson Ave
Owner(s):	Nick Naiser
Applicant:	Nick Naiser
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Jay Lockett, 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 LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:06:02 Jay Lockett presented the case summary and showed a PowerPoint presentation (see staff report and recording for detailed presentation.) Staff finds the case is ready for a public hearing.

The following spoke in favor of this request:

Nick Naiser, 325 S Ewing Ave, Louisville, KY 40206

Summary of testimony of those in favor:

00:07:38 Nick Naiser said they closed a part of the alley several years ago and explained why he wants to close the rest of the alley.

Commissioner Brown asked if there was an access easement on the lot. Nick Naiser responded that they don't access through that alley.

00:12:00 **Commissioners' deliberation.**

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
August 26, 2021**

NEW BUSINESS

21-STRCLOSURE-0021

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 7, 2021** Planning Commission public hearing.