

Planning Commission

Staff Report

December 18, 2014



Case No:	14STREETS1006
Request:	Street Closure of Rosemont Avenue, running from Midland Avenue to the west approximately 445 feet
Project Name:	Meredith Dunn Learning Center Street Closure
Location:	3023 Melbourne Ave.
Owner:	Louisville Metro
Applicant:	Meredith Dunn Learning Center
Representative:	Alex Rosenberg
Jurisdiction:	Louisville Metro
Council District:	26 – Brent Ackerson
Case Manager:	David B. Wagner – Planner II

REQUEST

- Closure of a portion of 30' wide Rosemont Avenue, running from Midland Avenue to the west approximately 445 feet

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to close a portion of Rosemont Avenue. Meredith Dunn Learning Center owns the properties on both sides of the area of closure except for the site to northeast of the closure which is leased by Arby's. The Center operates out of the former Melbourne Heights Elementary School building and has been previously approved for a 9,850 SF addition for a multi-use facility. The multi-use facility will be utilized as a lunchroom and gymnasium for assemblies and performances. The administration at Meredith Dunn desires to close a portion of the street in order to consolidate the school building site with the annex buildings across the street and give the Center a more consolidated campus feel. Children crossing back and forth over the street would be a safety concern. This street closure request would help to mitigate the safety concerns.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Right-of-Way	R-5	N
Proposed	Campus	R-5	N
Surrounding Properties			
North	Campus	R-5	N
South	Campus	R-5	N
East	Restaurant	C-1	RC
West	Office	OR-1	RC

PREVIOUS CASES ON SITE

- 2-23-14: Category 2B Plan for Meredith Dunn Learning Center Expansion

- 14VARIANCE1051: Variance to allow parking to encroach into setbacks
- Case 10689: Street Closure that was never formally filed
- Plat Book 4, Page 9: Melbourne Heights Subdivision

INTERESTED PARTY COMMENTS

- Staff received comments from Gwan Cox, the owner of an office building at 3834 Taylorsville Road. She was concerned that the closure may adversely affect her tenants in the office building due to the closure of the street and requested to be notified of this meeting. Staff included her in the postcard notification that was mailed out for this case and has not received any further comments from Ms. Cox.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

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.

STAFF: Adequate public facilities will be maintained as the developer will provide easements or for the relocation of utility infrastructure within the right-of-way proposed to be closed.

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.

STAFF: Any utility access necessary within the right of way to be closed will be maintained by agreement with the 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.

STAFF: The applicant will provide the cost for 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.

STAFF: The closure complies with the Goals, Objectives and Plan Elements of the Comprehensive Plan found in Guideline 8 (Transportation Facility Design). The closure allows the site to be consolidated into a campus which will maintain all the current access to the public street network that it already has. Surrounding properties will not be adversely affected as the street connects to Midland Avenue which is a dead end street that does not connect to

Breckenridge Lane. Therefore, little to no traffic comes down Rosemont Avenue. Access is still provided via surrounding streets.

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

STAFF: There are no other relevant matters.

TECHNICAL REVIEW

Louisville Fire District – **No Response**

E-911/Metro Safe Addressing – **Approved**

AT&T – **Approved**

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 in regards to the Neighborhood and Regional Center Form District. The closure will allow for the proposed building addition and for the site to become more like a consolidated campus for the Meredith Dunn Learning Center.

The proposal is in order to be placed on the earliest possible Consent Agenda of the Planning Commission as 100% of the adjoining property owners have given their consent to the closure.

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.

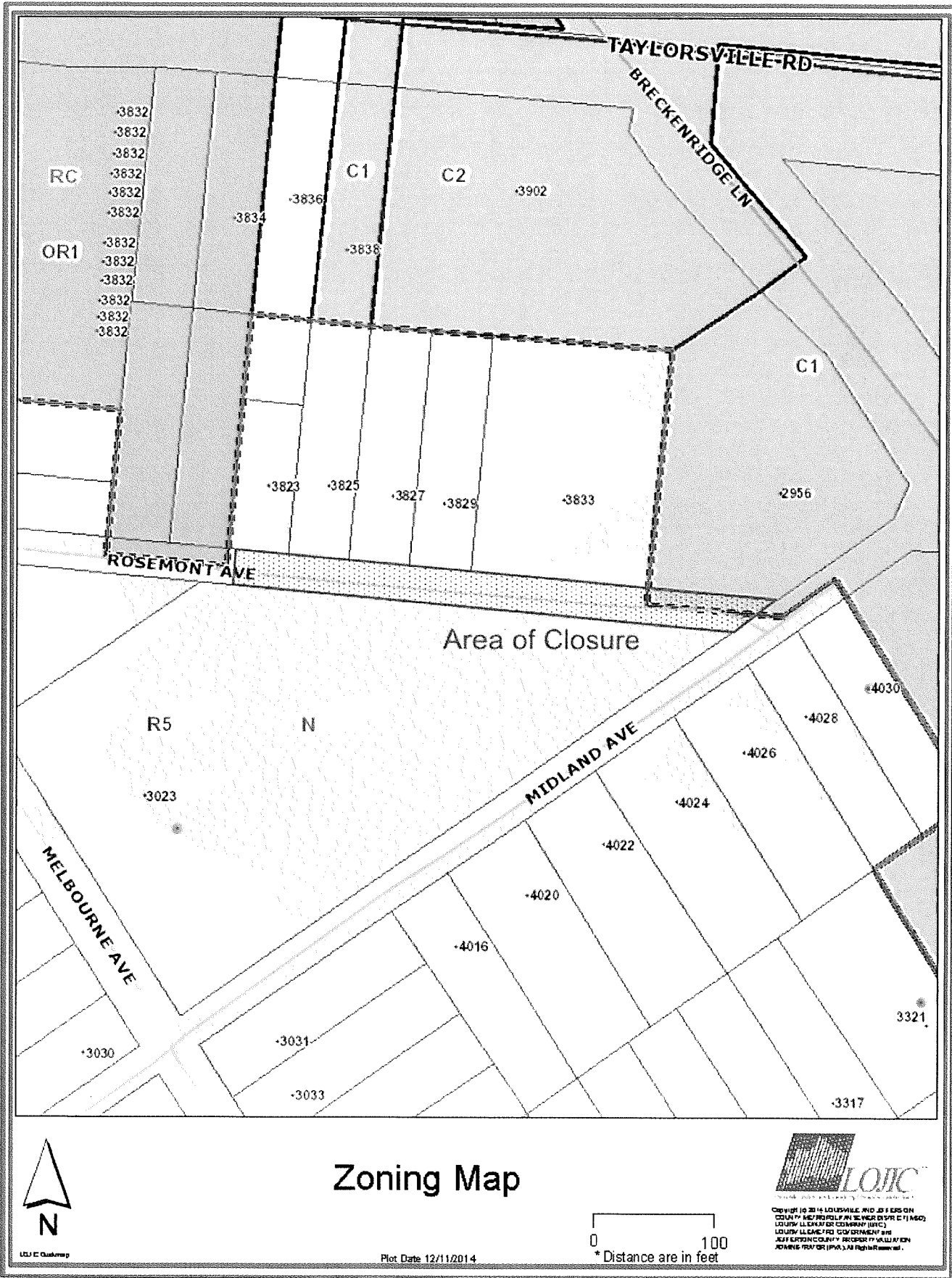
NOTIFICATION

Date	Purpose of Notice	Recipients
12/5/14	Meeting before DRC	1 st tier adjoining property owners Subscribers to Council District 26 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist for Neighborhood
4. Cornerstone 2020 Staff Checklist for Regional Center

1. Zoning Map



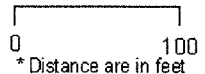
2. Aerial Photo



Aerial Photo



Copyright © 2014 LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN AREA DEVELOPMENT CORPORATION (LJDC) LOUISIANA OFFICE OF JOINT INFORMATION COORDINATION (LOJIC) ALL RIGHTS RESERVED.



Plot Date 12/11/2014

3. Cornerstone 2020 Staff Checklist for Neighborhood

- + Exceeds Guideline
- √ Meets Guideline
- +/- More Information Needed
- Does Not Meet Guideline
- NA Not Applicable

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
43	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	√	The closure allows the site to be consolidated into a campus which will maintain all the current access to the public street network that it already has. Surrounding properties will not be adversely affected as the street connects to Midland Avenue which is a dead end street that does not connect to Breckenridge Lane. Therefore, little to no traffic comes down Rosemont Avenue. Access is still provided via surrounding streets.

4. Cornerstone 2020 Staff Checklist for Regional Center

- + Exceeds Guideline
- √ Meets Guideline
- +/- More Information Needed
- Does Not Meet Guideline
- NA Not Applicable

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
48	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	√	The closure allows the site to be consolidated into a campus which will maintain all the current access to the public street network that it already has. Surrounding properties will not be adversely affected as the street connects to Midland Avenue which is a dead end street that does not connect to Breckenridge Lane. Therefore, little to no traffic comes down Rosemont Avenue. Access is still provided via surrounding streets.

Development Review Committee

Staff Report

December 17, 2014



Case No:	14STREETS1006
Request:	Street Closure of Rosemont Avenue, running from Midland Avenue to the west approximately 445 feet
Project Name:	Meredith Dunn Learning Center Street Closure
Location:	3023 Melbourne Ave.
Owner:	Louisville Metro
Applicant:	Meredith Dunn Learning Center
Representative:	Alex Rosenberg
Jurisdiction:	Louisville Metro
Council District:	26 – Brent Ackerson
Case Manager:	David B. Wagner – Planner II

REQUEST

- Closure of a portion of 30' wide Rosemont Avenue, running from Midland Avenue to the west approximately 445 feet

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to close a portion of Rosemont Avenue. Meredith Dunn Learning Center owns the properties on both sides of the area of closure except for the site to northeast of the closure which is leased by Arby's. The Center operates out of the former Melbourne Heights Elementary School building and has been previously approved for a 9,850 SF addition for a multi-use facility. The multi-use facility will be utilized as a lunchroom and gymnasium for assemblies and performances. The administration at Meredith Dunn desires to close a portion of the street in order to consolidate the school building site with the annex buildings across the street and give the Center a more consolidated campus feel. Children crossing back and forth over the street would be a safety concern. This street closure request would help to mitigate the safety concerns.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Right-of-Way	R-5	N
Proposed	Campus	R-5	N
Surrounding Properties			
North	Campus	R-5	N
South	Campus	R-5	N
East	Restaurant	C-1	RC
West	Office	OR-1	RC

PREVIOUS CASES ON SITE

- 2-23-14: Category 2B Plan for Meredith Dunn Learning Center Expansion

- 14VARIANCE1051: Variance to allow parking to encroach into setbacks
- Case 10689: Street Closure that was never formally filed
- Plat Book 4, Page 9: Melbourne Heights Subdivision

INTERESTED PARTY COMMENTS

- Staff received comments from Gwan Cox, the owner of an office building at 3834 Taylorsville Road. She was concerned that the closure may adversely affect her tenants in the office building due to the closure of the street and requested to be notified of this meeting. Staff included her in the postcard notification that was mailed out for this case and has not received any further comments from Ms. Cox.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

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.

STAFF: Adequate public facilities will be maintained as the developer will provide easements or for the relocation of utility infrastructure within the right-of-way proposed to be closed.

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.

STAFF: Any utility access necessary within the right of way to be closed will be maintained by agreement with the 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.

STAFF: The applicant will provide the cost for 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.

STAFF: The closure complies with the Goals, Objectives and Plan Elements of the Comprehensive Plan found in Guideline 8 (Transportation Facility Design). The closure allows the site to be consolidated into a campus which will maintain all the current access to the public street network that it already has. Surrounding properties will not be adversely affected as the street connects to Midland Avenue which is a dead end street that does not connect to

Breckenridge Lane. Therefore, little to no traffic comes down Rosemont Avenue. Access is still provided via surrounding streets.

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

STAFF: There are no other relevant matters.

TECHNICAL REVIEW

Louisville Fire District – **No Response**

E-911/Metro Safe Addressing – **Approved**

AT&T – **Approved**

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 in regards to the Neighborhood and Regional Center Form District. The closure will allow for the proposed building addition and for the site to become more like a consolidated campus for the Meredith Dunn Learning Center.

The proposal is in order to be placed on the earliest possible Consent Agenda of the Planning Commission as 100% of the adjoining property owners have given their consent to the closure.

Required Actions

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must **SCHEDULE** this proposal for a Planning Commission **PUBLIC HEARING, BUSINESS SESSION, or CONSENT AGENDA.**

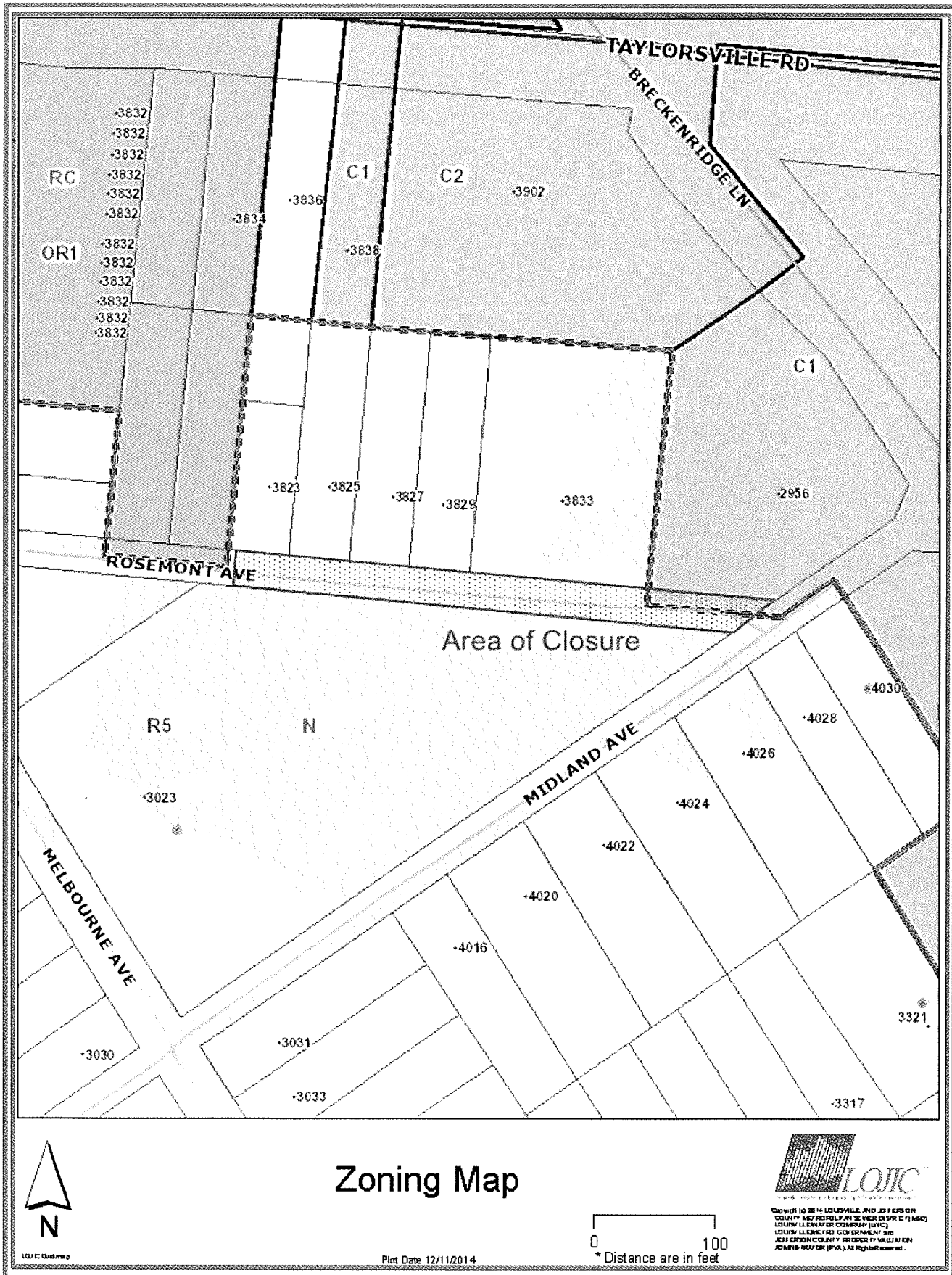
NOTIFICATION

Date	Purpose of Notice	Recipients
12/5/14	Meeting before DRC	1 st tier adjoining property owners Subscribers to Council District 26 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist for Neighborhood
4. Cornerstone 2020 Staff Checklist for Regional Center

1. **Zoning Map**



2. Aerial Photo



3. Cornerstone 2020 Staff Checklist for Neighborhood

- + Exceeds Guideline
- √ Meets Guideline
- +/- More Information Needed
- Does Not Meet Guideline
- NA Not Applicable

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
43	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	√	The closure allows the site to be consolidated into a campus which will maintain all the current access to the public street network that it already has. Surrounding properties will not be adversely affected as the street connects to Midland Avenue which is a dead end street that does not connect to Breckenridge Lane. Therefore, little to no traffic comes down Rosemont Avenue. Access is still provided via surrounding streets.

4. Cornerstone 2020 Staff Checklist for Regional Center

- + Exceeds Guideline
- √ Meets Guideline
- +/- More Information Needed
- Does Not Meet Guideline
- NA Not Applicable

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
48	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	√	The closure allows the site to be consolidated into a campus which will maintain all the current access to the public street network that it already has. Surrounding properties will not be adversely affected as the street connects to Midland Avenue which is a dead end street that does not connect to Breckenridge Lane. Therefore, little to no traffic comes down Rosemont Avenue. Access is still provided via surrounding streets.