

**Planning Commission
Staff Report**

March 1, 2017



Case No:	16STREETS1014
Request:	Close Bartley Drive Right of Way
Project Name:	Bardstown Pavillion
Location:	Bartley Drive ROW abutting 9517, 9601, 9604, 9606, 9608, 9610, 9700, & 9703 Bartley Drive
Owner:	Louisville Metro
Applicant:	Devonshire/Reit
Representative:	Land Design and Development; Bardenwerper Talbott and Roberts PLLC.
Jurisdiction:	Louisville Metro
Council District:	22-Robin Engel
Case Manager:	Julia Williams, RLA, AICP, Planning Supervisor

REQUEST

- Closure of Bartley Drive at its intersection with Bardstown Road and the private portion of Bartley Drive.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to close the Bartley Drive right-of-way that lies between the private portion of Bartley Drive and the Bardstown Road right-of-way. Access to the private portion of Bartley Drive is proposed to be re-aligned with an access road that is proposed to lead to a traffic signal at Bardstown Road and another access road that leads to Cedar Creek Road. The re-aligned access is also proposed to be gated to deter shopping center patrons from accessing the private road.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant and Single Family Residential	R-4	Neighborhood
Proposed	Commercial	C-1 and C-2	Regional Center
<i>Surrounding Properties</i>			
North	ROW	ROW	ROW
South	Single Family Residential	R-4	Neighborhood
East	Single Family Residential/School	C-2/R-4	Regional Center
West	Single Family Residential	R-4	Neighborhood

PREVIOUS CASES ON SITE

15zone1036- Proposal for a change in zoning from R-4 to C-1 and C-2 (in progress).

INTERESTED PARTY COMMENTS

See attachments for 15zone1036

APPLICABLE PLANS AND POLICIES

Cornerstone 2020

Land Development Code

Fern Creek Small Area Plan (May 8, 2001)

The property is located in Quadrant III: Southwestern Quadrant of the plan and is also part of the Bardstown Road Corridor. The Plan indicates that the subject site should serve as a “gateway” to and from the “town center” from residential. The Plan recommends that the area remain single family but if development were to happen, that it follow the gateway concept for entrances and setbacks and not adversely affect Bates Elementary and the Bartley Drive neighborhood.

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 Bartley Drive residents will still have access to Bardstown Road. Residents will also have access to Cedar Creek Road. Cedar Creek and Bardstown Road has an existing traffic signal and a traffic signal is proposed at the entrance to the proposed shopping center and Bardstown Road. Bartley Drive residents will also have gated access to their private roadway to deter shopping center patron from accessing the road. Utilities will be provided for through new access easements.

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 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.

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). The physical improvements necessary for the closure will be completed by the applicant. Bartley Drive is being redirected and gated to discourage non-residents from utilizing the private road. Traffic to and from the site will have two options at intersections with traffic signals, one at Bardstown Road and the re-aligned entrance to the site and the other from Cedar Creek. Transportation Planning has not indicated any adverse issues with traffic on the community. The shopping center will not have access to Bartley Drive.

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

STAFF: There are no other relevant matters.

Bartley Drive residents will have re-aligned access to their properties but also gain access to Cedar Creek Road. The shopping center will not have access to Bartley Drive.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

TECHNICAL REVIEW

- Agency review comments have been addressed.

STAFF CONCLUSIONS

The proposal meets or exceeds all applicable items of the comprehensive plan in regards to the Regional Center Form District. The closure will reflect the plans to provide a full access point at a proposed signalized intersection with Bardstown Road.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan and the standard of review for permitting a street closure.

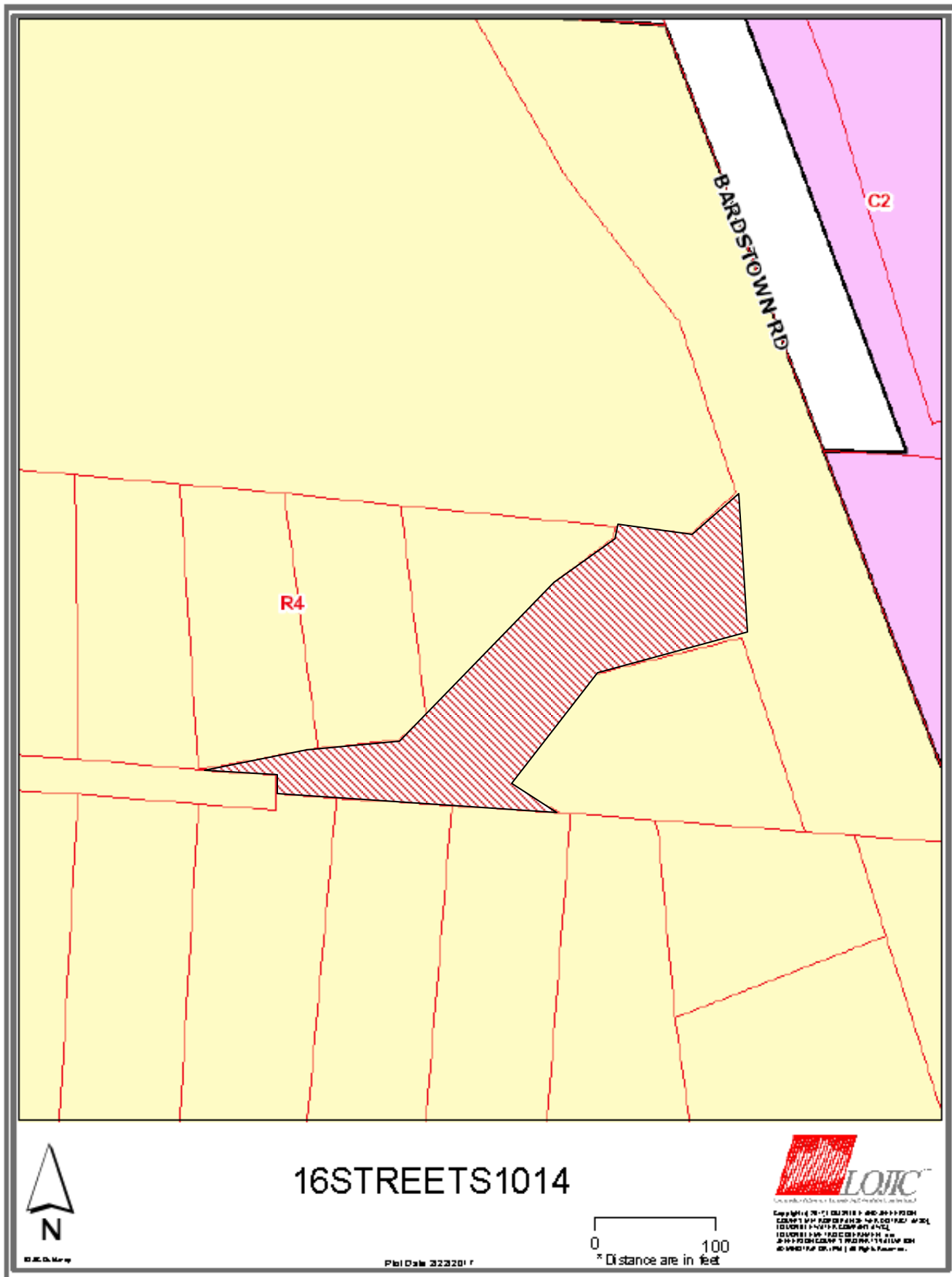
NOTIFICATION

Date	Purpose of Notice	Recipients
7/13/16	Hearing before LD&T on 7/28/16	1 st and 2 nd tier adjoining property owners Subscribers of Council District 22 Notification of Development Proposals
10/20/16	Cancelling PC hearing on 11/9/16	1 st and 2 nd tier adjoining property owners Subscribers of Council District 22 Notification of Development Proposals
1/12/16	Hearing before LD&T on 1/26/17	1 st and 2 nd tier adjoining property owners Subscribers of Council District 22 Notification of Development Proposals
1/30/17	Hearing before PC on 3/1/17	1 st and 2 nd tier adjoining property owners Subscribers of Council District 22 Notification of Development Proposals
1/27/17	Hearing before PC on 3/1/17	Sign Posting on property
2/18/17	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

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

Regional Center: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
40	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	Roadway improvements are required for the proposal and will be implemented per Transportation Planning requirements. Bartley Drive will still have access to Bardstown Road but will also have access to Cedar Creek.
42	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	Bartley Drive is being redirected and gated to discourage non-residents from utilizing the private road. Traffic to and from the site will have two options at intersections with traffic signals, one at Bardstown Road and the re-aligned entrance to the site and the other from Cedar Creek. Transportation Planning has not indicated any adverse issues with traffic on the community. A right turn lane and a right in/out entrance is being proposed along Bardstown Road as well as an additional right lane that extends to Cedar Creek. A full entrance is proposed at a proposed traffic signal along Bardstown Road. Access is shared or planned for sharing throughout. The shopping center will not have access to Bartley Drive.
45	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	Access is shared or planned for sharing throughout the development site.
47	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Access to the shopping center site will be from a major arterial (Bardstown Road) and a collector (Cedar Creek). The shopping center will not have access to Bartley Drive.

#	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.	✓	Bartley Drive is being redirected and gated to discourage non-residents from utilizing the private road. Traffic to and from the site will have two options at intersections with traffic signals, one at Bardstown Road and the re-aligned entrance to the site and the other from Cedar Creek. Transportation Planning has not indicated any adverse issues with traffic on the community. A right turn lane and a right in/out entrance is being proposed along Bardstown Road as well as an additional right lane that extends to Cedar Creek. A full entrance is proposed at a proposed traffic signal along Bardstown Road. Access is shared or planned for sharing throughout. The shopping center will not have access to Bartley Drive.