

**Planning Commission
Staff Report**
April 17, 2014



Case No:	13STREETS1003
Request:	Street Closure of portions of Donna Blvd., Claire Dee Dr., Canto Ln., Vondine Dr., Aria Dr., Glenwood Cir., and Unnamed Rights-of-Way within the Renaissance South Business Park for the Louisville Renaissance Zone Corporation, Louisville Regional Airport Authority, and UPS
Project Name:	Minors Lane Area Street Closures
Location:	2607 Donna Blvd. and Others
Owner:	Louisville Metro
Applicant:	Louisville Renaissance Zone Corporation
Representative:	Greg Ehrhard – Stites and Harbison
Jurisdiction:	Louisville Metro
Council District:	13 – Vicki Aubrey Welch
Case Manager:	David B. Wagner – Planner II

REQUEST

- Closure of portions of Donna Blvd., Claire Dee Dr., Canto Ln., Vondine Dr., Aria Dr., Glenwood Cir., and Unnamed Rights-of-Way within the Renaissance South Business Park for the Louisville Renaissance Zone Corporation, Louisville Regional Airport Authority, and UPS

CASE SUMMARY/BACKGROUND/SITE CONTEXT

There recently was a subdivision plan approved by LD&T for the Louisville Regional Airport Authority (LRAA) and the Louisville Renaissance Zone Corporation (LRZC) to create three tracts for future development. Several streets and public rights-of-way will be closed as part of the subdivision case, including the streets in this request. The subdivision and street closures will allow for the proposed Air Commerce Drive Extension and Street 'E' to be constructed as shown on the subdivision plan. Until alternate public access has been provided, temporary public access and public utility easements will be granted over the public rights-of-way being closed to provide continued access to properties that are not owned by the LRAA or LRZC per the note on the Temporary Resident Access Exhibit map. The three lots labeled as "benefitted properties" are the residences that will utilize the temporary public access and utility easements.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Right-of-Way	EZ-1	Suburban Workplace
Proposed	Commercial/Industrial	EZ-1	Suburban Workplace
Surrounding Properties			
North	Vacant	EZ-1	Suburban Workplace
South	Vacant	EZ-1	Suburban Workplace
East	Vacant	EZ-1	Suburban Workplace
West	Vacant	EZ-1	Suburban Workplace

PREVIOUS CASES ON SITE

- 15567: Area Wide Re-Zoning
- 13SUBDIV1004: Preliminary Major Subdivision Plan
- 13STREETS1001: Closure of Shuck Ln. and Lortay Rd.

INTERESTED PARTY COMMENTS

Staff has received no inquiries.

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 applicant will be granting temporary public access and utility easements over the areas of closure until alternate public access is provided.

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 unless otherwise agreed to by the applicable agency.

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: In regards to the Comprehensive Plan compliance, the closures are part of the Renaissance South Business Park, Section 2 Preliminary Subdivision Plan. They allow for the

re-subdivision of the property and extension of transportation facilities for future commercial/industrial development.

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

STAFF: There are no other relevant matters.

TECHNICAL REVIEW

Fairdale Fire District – **Approved**

Okolona Fire District – **No Response**

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

AT&T – **No Response**

MSD – **Approved**

Louisville Metro Health Department – **Approved**

Louisville Gas & Electric – **Approved**

Louisville Water Company – **Approved On Condition; Easements for LWC facilities must be secured prior to final Louisville Metro Council action.**

Louisville Metro Public Works – **Approved On Condition; Please ensure there is a temporary access easement to get to any residential units still existing, as well as signage to get Emergency Services from Minor Lane to the home or homes.**

Historic Preservation – **No Response**

TARC – **No Response**

STAFF CONCLUSIONS

The proposal meets or exceeds all applicable items of the comprehensive plan in regards to the Suburban Workplace Form District. The rights-of-way require closing in order for the next phase of development for the Renaissance South Business Park, Section 2. Some of the streets being closed will remain as public access and utility easements until alternate public access is provided to the residences remaining in the area. Four agencies provided no response after the revised maps were distributed to them via email on December 11, 2013. The right-of-way abutting the Multi-State Environmental Response Trust that was originally requested to be closed at the DRC meeting has been removed from this request. Therefore, there is 100% adjoining property owner consent to the closures.

However, there are items to be addressed before the Planning Commission makes a recommendation to Louisville Metro Council:

- The LWC has requested easements to be secured before final Louisville Metro Council action.
- Planning Commission legal counsel must review and approve the temporary public access and public utility easement documents before final Louisville Metro Council action.

Required Actions

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **RECOMMENDS** to Louisville Metro Council that the closure of portions of Donna Blvd., Claire Dee Dr., Canto Ln., Vondine Dr., Aria Dr., Glenwood Cir., and Unnamed Rights-of-Way within the Renaissance South Business Park, on property described in the attached legal description, be **APPROVED** or **DENIED, ON CONDITION** that the requested LWC easements are secured and Planning Commission legal counsel has reviewed and approved the temporary public access and public utility easement documents before final Louisville Metro Council action is taken.

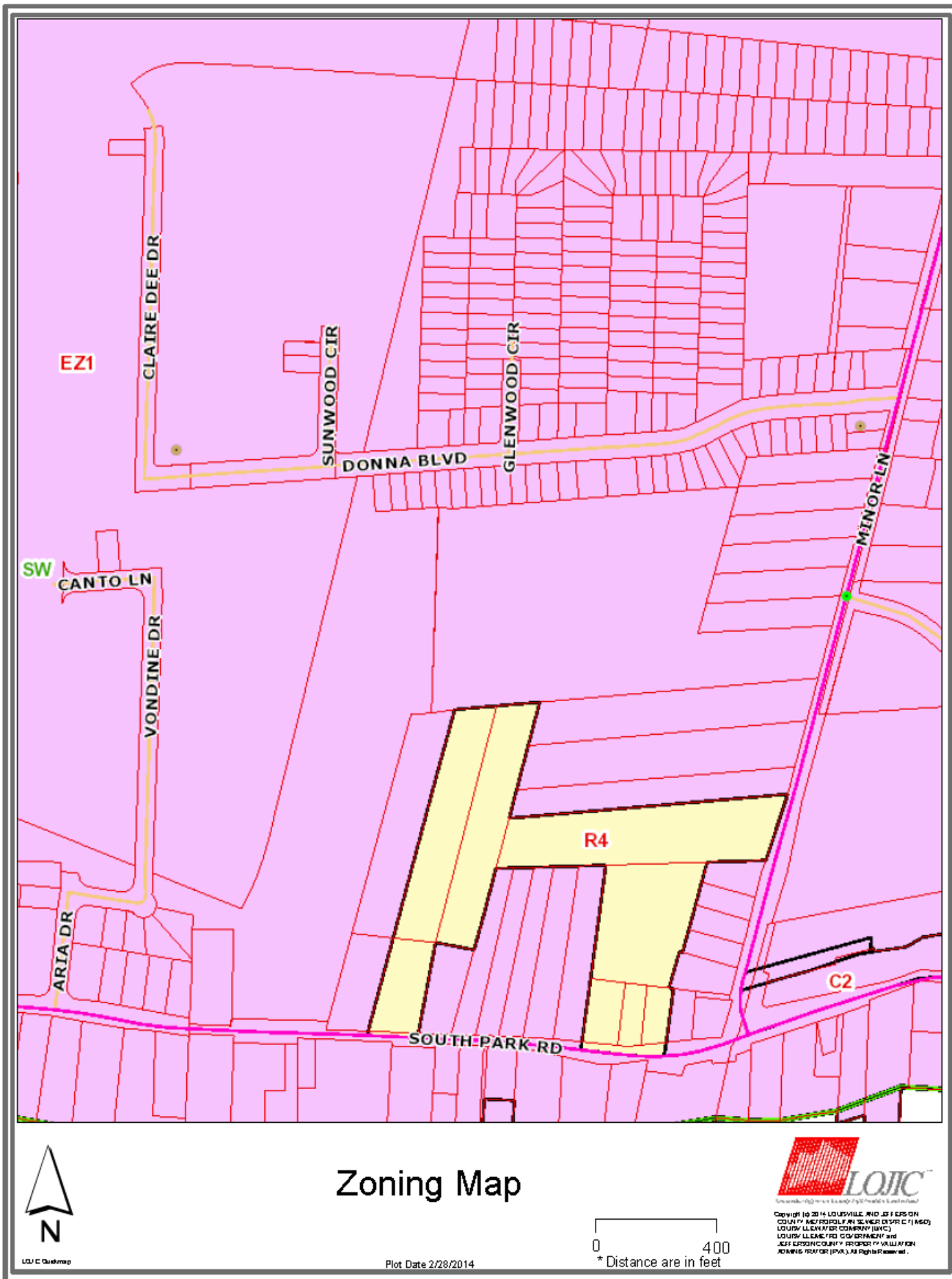
NOTIFICATION

Date	Purpose of Notice	Recipients
2/21/14	Meeting before LDT	1 st tier adjoining property owners Subscribers to Council District 13 Notification of Development Proposals
4/3/14	Hearing before PC	1 st tier adjoining property owners Subscribers to Council District 13 Notification of Development Proposals
4/3/14	Hearing before PC	Sign Posting on property
4/9/14	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Conditions of Approval
5. Closure Maps
6. Legal Descriptions

1. **Zoning Map**



2. Aerial Photo



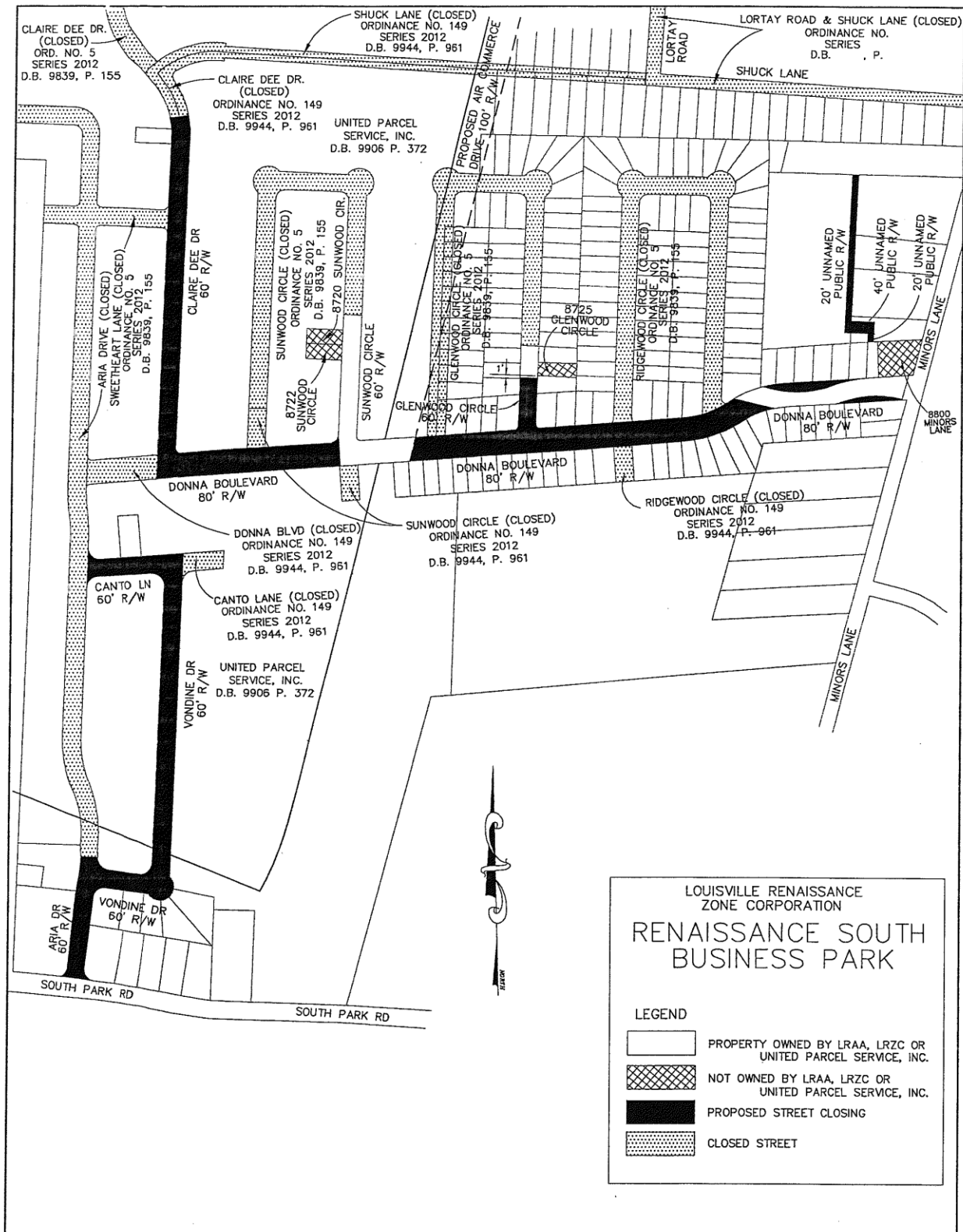
3. Cornerstone 2020 Staff Checklist

<i>Policy</i>	<i>Description of Policy</i>	<i>Comments</i>
Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	The closures are part of the Renaissance South Business Park, Section 2 Preliminary Subdivision Plan. The closures will allow for the re-subdivision of the property and extension of transportation facilities for future commercial and industrial development.
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.	The developer is covering all costs associated with this closure.
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 closures are part of the Renaissance South Business Park, Section 2 Preliminary Subdivision Plan. The closures will allow for the re-subdivision of the property and extension of transportation facilities for future commercial and industrial development.

4. Conditions of Approval

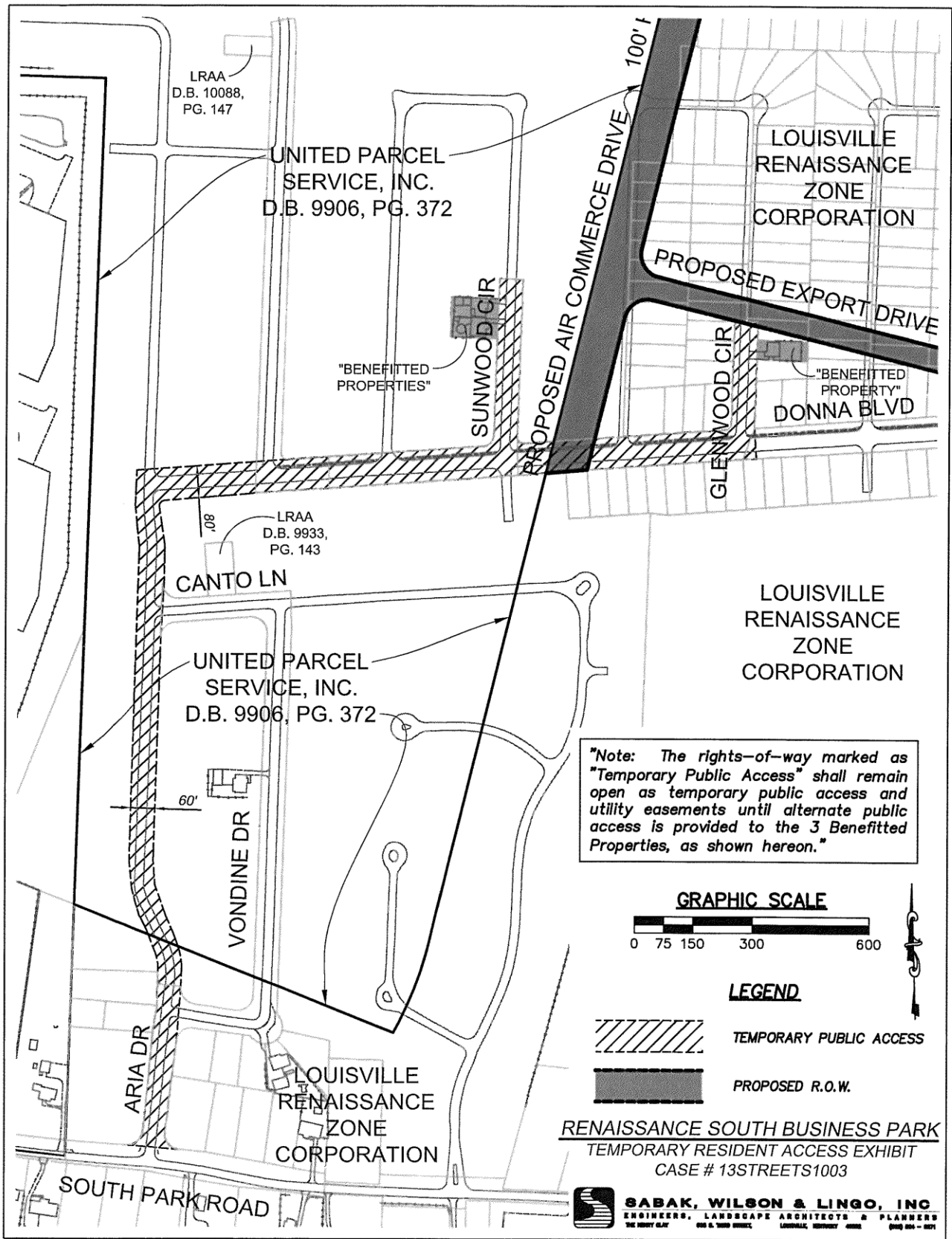
1. The closure shall be in accordance with the approved closure description and agreed upon conditions of approval unless amended by the Planning Commission.
2. Unless otherwise agreed to by the applicable agency, all necessary easements are granted or measures taken that are requested by an agency, and that no construction of permanent structures shall be permitted within the easement area, and that such reservation and prohibition also be included in any litigation concerning the street closing.
3. Unless otherwise agreed to by the applicable agency, 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 proposed project, including cost of improvements to adjacent rights-of-way and/or relocation of utilities within an existing easement.

5. Closure Maps



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6. **Legal Descriptions**

EXHIBIT A

Minors Lane Area:

Canto Lane from the eastern right of way line of the former Aria Drive, closed by Ordinance No. 5 Series 2012 recorded in Deed Book 9839, Page 155, in the Jefferson County Kentucky Clerk's Office, easterly to its terminus.

Vondine Drive from the east right of way line of Aria Drive easterly thence northerly to the southern right of way line of Canto Lane.

Aria Drive from the southern right of way line of the former Aria Drive, closed by Ordinance No. 5 Series 2012 recorded in Deed Book 9839, Page 155, in the Jefferson County Kentucky Clerk's Office, southerly to the north right of way line of South Park Road.

Claire Dee Drive from the southern portion of the former Claire Dee Drive, closed by Ordinance No. 149 series 2012 recorded in Deed Book 9944, Page 961, in the Jefferson County Kentucky Clerk's Office, southerly to the north right of way line of Donna Boulevard.

Donna Boulevard from the eastern portion of the former Donna Boulevard, closed by Ordinance No. 149 series 2012 recorded in Deed Book 9944, Page 961, in the Jefferson County Kentucky Clerk's Office, easterly to west right of way line of Sunwood Circle.

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Renaissance South Business Park
Legal Description
for Portion of Glenwood Circle
being closed

Beginning at the southwest corner of Lot 313 and the east right-of-way line of Glenwood Circle as shown on the Record Plat of Minor Lane Heights, Section 4 as recorded in Plat Book 17, Page 80 thence with the east right-of-way line of Glenwood Circle South 01°50'23" West, 1.00 feet to the true point of beginning; thence continuing with the east right-of-way line of Glenwood Circle South 01°50'23" West, 158.39 feet to a point; thence with the arc of a curve to the left having a radius of 15 feet and a chord of South 46°04'52" East, 22.27 feet to a point in the north right-of-way line of Donna Boulevard; thence with the north right-of-way line of Donna Boulevard South 85°59'53" West, 90.47 feet to a point; thence leaving the north right-of-way line of Donna Boulevard with the arc of a curve to the left having a radius of 15 feet and a chord of North 43°55'08" East, 20.10 feet; thence North 01°50'23" East, 167.60 feet to a point; thence across the right-of-way of Glenwood Circle South 88°09'37" East, 60.00 feet to the true point of beginning containing 10,783 square feet or 0.25 acres.

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Renaissance South Business Park
Legal Description
Portion of Donna Boulevard
being closed

Beginning at the intersection of the north right-of-way line of Donna Boulevard and the east right-of-way line of proposed Air Commerce Drive; thence with the north right-of-way line of Donna Boulevard North 85°59'53" East, 893.46 feet to a point; thence with the arc of a curve to the left having a radius of 318.10 feet and a chord of North 71°12'38" East, 162.38 feet to a point; thence with the arc of a curve to the right having a radius of 398.10 feet and a chord of North 58°10'22" East, 24.31 feet to a point; thence leaving the north right-of-way line of Donna Boulevard South 76°12'05" East, 114.40 feet to a point; thence with the arc of a curve to the left having a radius of 400.00 feet and a chord of South 78°04'09" East, 26.08 feet to a point in the south right-of-way line of Donna Boulevard; thence with the south right-of-way line of Donna Boulevard with the arc of a curve to the left having a radius of 318.10 feet and a chord of South 67°30'32" West, 122.33 feet to a point; thence with the arc of a curve to the right having a radius of 398.10 feet and a chord of South 71°12'38" West, 203.22 feet to a point; thence South 85°59'53" West, 919.10 feet to a point in the east right-of-way line of proposed Air Commerce Drive; thence with the east right-of-way line of proposed Air Commerce Drive North 13°46'12" East, 84.01 feet to the point of beginning containing 92,771 square feet or 2.13 acres.

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Renaissance South Business Park
Legal Description
for small northern part of Donna Boulevard
being closed

Beginning at the intersection of the west right-of-way line of Minors Lane 40 feet from the centerline and the north right-of-way line of Donna Boulevard; thence with the north right-of-way line of Donna Boulevard South 86°15'55" West, 116.57 feet to the true point of beginning; thence leaving the existing north right-of-way line of Donna Boulevard with the arc of a curve to the left having a radius of 400.00 feet and a chord of South 77°29'51" West, 121.95 feet to a point; thence with the arc of a curve to the right having a radius of 340.00 feet and a chord of South 86°15'51" West, 204.87 feet to a point; the North 76°12'05" West, 33.67 feet to a point in the existing north right-of-way line of Donna Boulevard with the arc of a curve to the right having a radius of 398.10 feet and a chord of North 80°21'07" East, 82.03 feet to a point; thence North 86°15'55" East, 275.90 feet to the true point of beginning containing 6,922 square feet.

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Renaissance South Business Park
Legal Description
for small southern part of Donna Boulevard
being closed

Beginning at the intersection of the west right-of-way line of Minors Lane 40 feet from the centerline and the south right-of-way line of Donna Boulevard; thence with the existing south right-of-way line of Donna Boulevard South $86^{\circ}15'55''$ West, 206.43 feet to a point; thence leaving the existing south right-of-way line of Donna Boulevard with the arc of a curve to the left having a radius of 400.00 feet and a chord of North $69^{\circ}47'24''$ East, 14.81 feet to a point; thence with the arc of a curve to the right having a radius of 340.00 feet and a chord of North $85^{\circ}21'58''$ East, 194.68 feet to a point in the west right-of-way line of Minors Lane; thence with the west right-of-way line of Minors Lane 40 feet from the centerline South $14^{\circ}46'34''$ West, 7.65 feet to the point of beginning containing 2,990 square feet.

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Renaissance South Business Park
Legal Description
Unnamed Public Right-of-Way
being closed

Beginning in the west right-of-way line of Minors Lane and the northeast corner of a tract conveyed to Multistate Environmental Response Trust as recorded in Deed Book 9692, Page 609 in the Office of the Clerk of Jefferson County, Kentucky, thence with the north line of Multistate Environmental Response Trust South 86°42'44" West, 150.15 feet to the true point of beginning; thence across the 20 foot Unnamed right-of-way North 87°59'35" West, 20.00 feet to a point in the west line of a 20 foot Unnamed right-of-way; thence with the west line of the 20 foot Unnamed right-of-way North 02°00'25" East, 26.47 feet to a point in the south line of the 40 foot Unnamed right-of-way; thence with the south line of the 40 foot Unnamed right-of-way North 87°59'35" West, 75.00 feet to a point in the west line of another 20 foot Unnamed right-of-way; thence with the west line of the 20 foot Unnamed right-of-way North 02°00'25" East, 531.83 feet to a point at the terminus of the 20 foot Unnamed right-of-way; thence across the terminus of the 20 foot Unnamed right-of-way South 87°59'35" East, 20.00 feet to a point in the east right-of-way line of the Unnamed right-of-way; thence with the east right-of-way of a 20 foot Unnamed right-of-way South 02°00'25" West, 491.83 feet to a point in the north line of a 40 foot Unnamed right-of-way; thence with the north line of a 40 foot Unnamed right-of-way South 87°59'35" East, 75.00 feet to a point in the east line of a 20 foot Unnamed right-of-way; thence with the east line of a 20 foot Unnamed right-of-way South 02°00'25" West, 66.47 feet to the true point of beginning containing 14,166 square feet.

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