

**Planning Commission  
Staff Report**  
March 2, 2017



Case No:	16STREETS1010
Project Name:	Woodbine and Jackson
Location:	North/South alley from Woodbine to Jackson Streets
Owner:	Louisville Metro
Applicant:	Midwest Sprinkler Corp.
Representative:	Frost Brown Todd
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton-Smith
Case Manager:	Joel P. Dock, Planner I

**REQUEST**

- **Street/Alley Closure**

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The applicant proposes a closure of a 20' North/South alley between Woodbine and Jackson Streets, 150' feet East of S. Preston Street. All property abutting the alley proposed for closure is owned by the Midwest Sprinkler Corporation, with the exception of one property at the Northwest terminus of the alley. The closure will allow the entirety of the Midwest Sprinkler Corporation property on each site of the alley to be consolidated.

**ASSOCIATED CASES ON SITE**

8606: Street/alley closure being the same as requested in this case. This case was indefinitely deferred at the applicant's request due to unresolved issues with the neighbors (2/19/2009)

**INTERESTED PARTY COMMENTS**

Opposition to this proposed alley closure was expressed by individuals representing the property at 415-417 Woodbine Street, citing that the alley was necessary for ease of heavy-truck access to their businesses for loading and unloading. The opposition parties stated that the approach of semi-trucks to their loading dock at the rear of their building is only possible when approaching through the alley in question from Jackson Street.

**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; and

STAFF: The requested closure does not result in demand on existing or future public facilities and services. Easements shall be coordinated and reserved as requested by AT&T and LG&E.

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: Any utility access necessary within the right-of-way to be closed will be maintained by agreement with the utilities. Easements shall be coordinated and reserved as requested by AT&T and LG&E prior to final action on the alley closure.

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: 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.

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 closure complies with the Goals, Objectives and Plan Elements of the Comprehensive Plan found in Guideline 7 (Circulation), Guideline 8 (Transportation Facility Design), and Guideline 14 (Infrastructure). Any physical improvements necessary for the closure will be completed by the applicant. Right-of-way proposed for closure does not serve as primary public access to surrounding uses or obstruct circulation with adjacent uses. Utility easements will be provided to those agencies requesting easements to ensure the long-term maintenance and services of utilities to the community.

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

STAFF: The Planning Commission should weigh the matter of heavy-truck access to surrounding businesses as stated in the *Interested Party Comments*, those comments provided to the Commissioners, and any additional comments provided at the hearing; either in favor, neutral, or opposition.

## TECHNICAL REVIEW

Fire District – Approved

E-911/Metro Safe Addressing – No comments received.

AT&T – Easement arrangement required for maintenance/access to facilities (comments received and forwarded to applicant, 11/28/16). Prior to the LD&T Committee meeting on February 6<sup>th</sup> an easement document had been recorded in error. The applicant has continued to work with LG&E and AT&T to secure a draft of the easement to supply sufficient rights of access to service utilities in the alley. The easement agreement will be recorded simultaneously with the closure.

MSD – Approved

Louisville Metro Health Department – Approved

Louisville Gas & Electric – Easement arrangement required for maintenance/access to facilities (comments received and forwarded to applicant, 11/30/16 & 12/28/16). Prior to the LD&T Committee meeting on February 6<sup>th</sup> an easement document had been recorded in error. The applicant has continued to work with LG&E and AT&T to secure a draft of the easement to supply sufficient rights of access to service utilities in the alley. The easement agreement will be recorded simultaneously with the closure.

Louisville Water Company – Approved

Louisville Metro Public Works – Approved

Historic Preservation – No comments received

TARC – Approved

### STAFF CONCLUSIONS

The proposal is in order and meets or exceeds all applicable items of the comprehensive plan with respect to the Traditional Neighborhood Form District wherein this site is located.

#### 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
1/13/17	Hearing before LD&T	All adjacent property owners to the street or alley segment defined by nearest intersecting streets, governmental units having jurisdiction and registered neighborhood groups at least 30 days prior to public hearing (min. 10 days) Subscribers of Council District 4 Notification of Development Proposals
1/27/17	Hearing before PC	All adjacent property owners to the street or alley segment defined by nearest intersecting streets, governmental units having jurisdiction and registered neighborhood groups at least 30 days prior to public hearing (min. 30 days) Subscribers of Council District 4 Notification of Development Proposals
2/15/17	Hearing before PC	Sign Posting on property (min. 14 days)
2/15/17	Hearing before PC	Legal Advertisement in the Courier-Journal (min. 7 days)

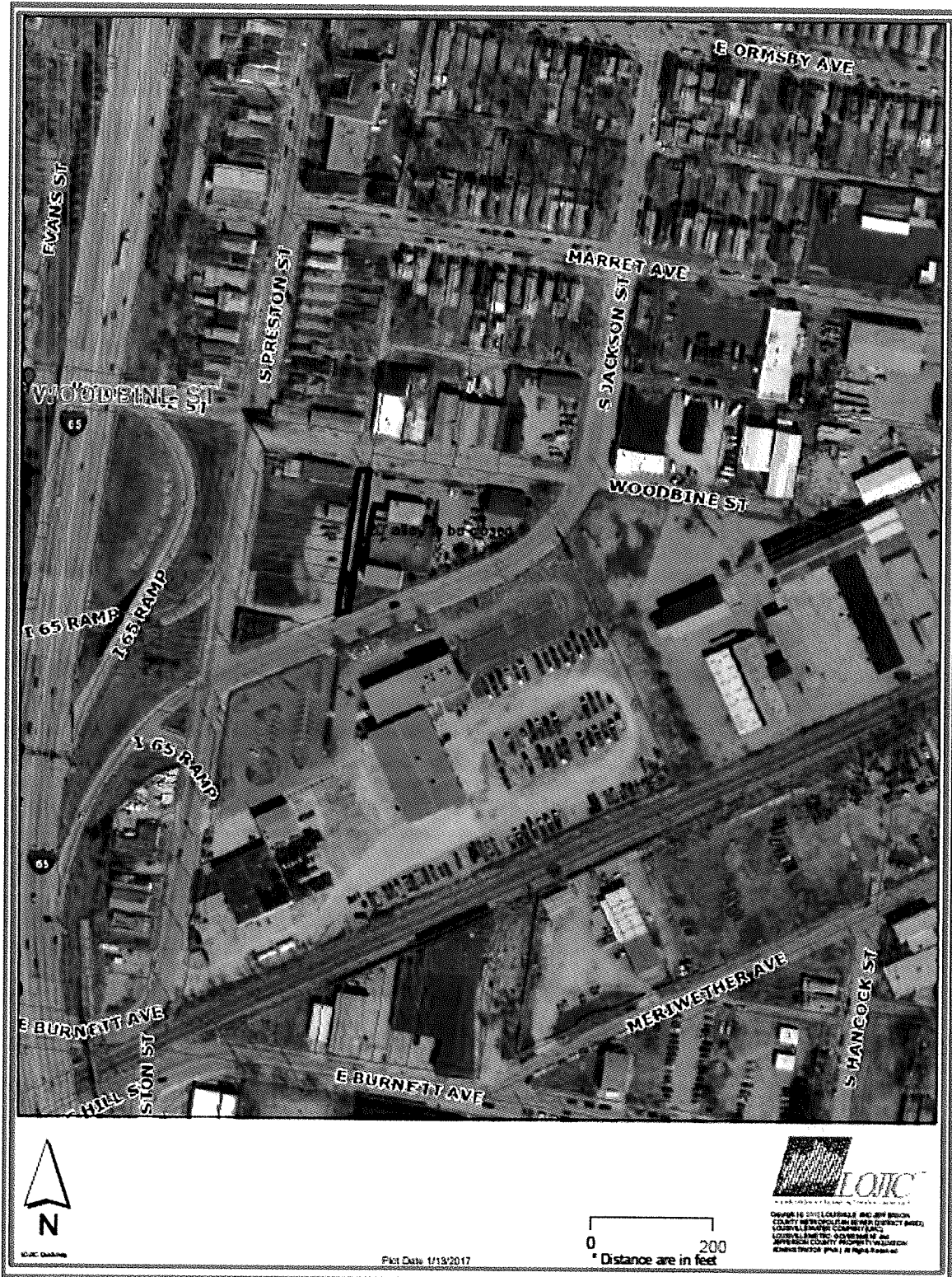
### ATTACHMENTS

1. Zoning Map
2. Aerial Photo

1. Zoning Map



2. Aerial Photo



March 2, 2017

PC

**Land Development and Transportation Committee  
Staff Report  
January 26, 2017**



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Representative:	Frost Brown Todd
Jurisdiction:	Louisville Metro
Council District:	4 – David Tandy
Case Manager:	Joel P. Dock, Planner I

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**ASSOCIATED CASES ON SITE**

Staff found no associated cases on-site

**INTERESTED PARTY COMMENTS**

Staff has not received comments or inquiries from any interested parties.

**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; and

STAFF: The requested closure does not result in demand on existing or future public facilities and services. Easements shall be coordinated and reserved as requested by AT&T and LG&E.

- 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: Any utility access necessary within the right-of-way to be closed will be maintained by agreement with the utilities. Easements shall be coordinated and reserved as requested by AT&T and LG&E prior to final action on the alley closure.

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STAFF: The closure complies with the Goals, Objectives and Plan Elements of the Comprehensive Plan found in Guideline 7 (Circulation), Guideline 8 (Transportation Facility Design), and Guideline 14 (Infrastructure). Any physical improvements necessary for the closure will be completed by the applicant. Right-of-way proposed for closure does not serve as primary public access to surrounding uses or obstruct circulation with adjacent uses. Utility easements will be provided to those agencies requesting easements to ensure the long-term maintenance and services of utilities to the community.

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

STAFF: There are no other relevant matters.

### TECHNICAL REVIEW

Fire District – Approved

E-911/Metro Safe Addressing – No comments received.

AT&T – Easement arrangement required for maintenance/access to facilities (comments received and forwarded to applicant, 11/28/16)

MSD – Approved

Louisville Metro Health Department – Approved

Louisville Gas & Electric – Easement arrangement required for maintenance/access to facilities (comments received and forwarded to applicant, 11/30/16 & 12/28/16) (Easement received; DB10807 PG 748)

Louisville Water Company – Approved

Louisville Metro Public Works – Approved

*1/26/17  
conv. w/  
applicant  
- possibly  
modify easement  
to exclude  
Portola*

*This is land owned by Louisville Metro. It is odd that an easement was recorded on property not owned by*



*\* Once closed the owner of the daycare would be a grantor on easement as well. } the easement. Typically a draft or approval from the utility is satisfactory until the road is closed.*

Historic Preservation – No comments received

TARC – Approved

Lots 2 through 9 have been consolidated into a single parcel. A revised closure plat will be required that accurately depicts the consolidation with source of title.

Easement agreements requested by utility agencies shall be coordinated by the applicant. Documentation of these agreements shall be provided to Planning and Design Services prior to the public hearing or recording of the plat. Easements shall be recorded prior to, in conjunction with, or immediately following the closure of the alley.

### STAFF CONCLUSIONS

The proposal meets or exceeds all applicable items of the comprehensive plan with respect to the Traditional Neighborhood Form District wherein this site is located.

The proposal is not in order due to the absence of material presented to Planning and Design Services staff concerning required easement agreements. In considering a date for the public hearing, the applicant will need to demonstrate to this committee that all necessary easements will be in order prior to the public hearing.

#### Required Actions

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Land Development and Transportation Committee must **SCHEDULE** this proposal for a Planning Commission **PUBLIC HEARING**.

Based on the notification timeline below Planning Commission hearings on or after March 2, 2017 will satisfy these requirements. Notification would need to be mailed by the applicant no later than February 1, 2017.

*(Wednesday)*

### NOTIFICATION

Date	Purpose of Notice	Recipients
1/13/17	Hearing before LD&T	All adjacent property owners to the street or alley segment defined by nearest intersecting streets, governmental units having jurisdiction and registered neighborhood groups at least 30 days prior to public hearing (min. 10 days) Subscribers of Council District 4 Notification of Development Proposals
	Hearing before PC	All adjacent property owners to the street or alley segment defined by nearest intersecting streets, governmental units having jurisdiction and registered neighborhood groups at least 30 days prior to public hearing (min. 30 days) Subscribers of Council District 4 Notification of Development Proposals
	Hearing before PC	Sign Posting on property (min. 14 days)
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### ATTACHMENTS

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2. Aerial Photo



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