

**Planning Commission  
Staff Report**  
September 29, 2016



Case No:	18175
Request:	Street Closure
Project Name:	Expressway Church
Location:	W. Florence, S. 6 <sup>th</sup> , & S. 5 <sup>th</sup> Streets; & Expressway Avenue
Owner:	Louisville Metro
Applicant:	Rich Design Studios
Representative:	Rich Design Studios – Kevin Rich
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	Joel P. Dock, Planner I

**REQUEST**

- **Street Closure**

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The applicant proposes a partial closure of a 20' unimproved alley located in a block bound by W. Florence Street to the North, Expressway Avenue at the Southern terminus, and S. 5<sup>th</sup> and 6<sup>th</sup> Streets to the East and West. The proposal is being made in an effort to consolidate multiple properties for the expansion of an existing religious building, case 15DEVPLAN1065. All properties abutting the portion of the alley to be closed are owned by Expressway Church of Christ, LLC.

This case was originally heard by the Land Development and Transportation Committee on April 10, 2014. Action was deferred to a "date-uncertain" due to lack of consent from adjoining property owners concerning the location of an LG&E easement that would be required for the full closure proposed before the committee. The closure has been revised to a partial closure and LG&E has no objections to the proposal. Easements will be obtained from LG&E as needed from the property owner.

**ASSOCIATED CASES ON SITE**

15DEVPLAN1065: Category 3 development plan for expanded religious building

**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: LG&E will obtain easements as needed from the property owner; otherwise the proposal creates no additional demand on public facilities and services.

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. LG&E will obtain easements as needed from the property owner.

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 applicant will provide for the improvements. It does not appear any improvement will be needed the right-of-way is currently unimproved and construction of a religious building is proposed across the proposed portion being closed and abutting lots. Sidewalk currently exists on the Southern side of W. Florence Street that connects residential areas along the road.

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) and Guideline 8 (Transportation Facility Design). Any physical improvements necessary for the closure will be completed by the applicant. Right-of-way proposed for closure does not serve as public access to surrounding uses or obstruct circulation with adjacent uses. Sidewalk currently exists on the Southern side of W. Florence Street that connects residential areas along the road

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

Louisville Fire District – Approved

E-911/Metro Safe Addressing – Approved

AT&T – Approved

MSD – Approved

Louisville Metro Health Department – Approved

Louisville Gas & Electric – Approved; LG&E will obtain easements as needed from the property owner

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 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 on condition:

1. A note be placed on the Category 3 development plan which states, "Expressway Church of Christ, LLC or successor shall grant a defined access easement or crossover easement to the Department of Public Works and Assets within sixty days of the alley being constructed."
2. The alley closure shall not be recorded until a Category 3 Development Plan is approved by the Louisville Metro Planning Commission or designee.

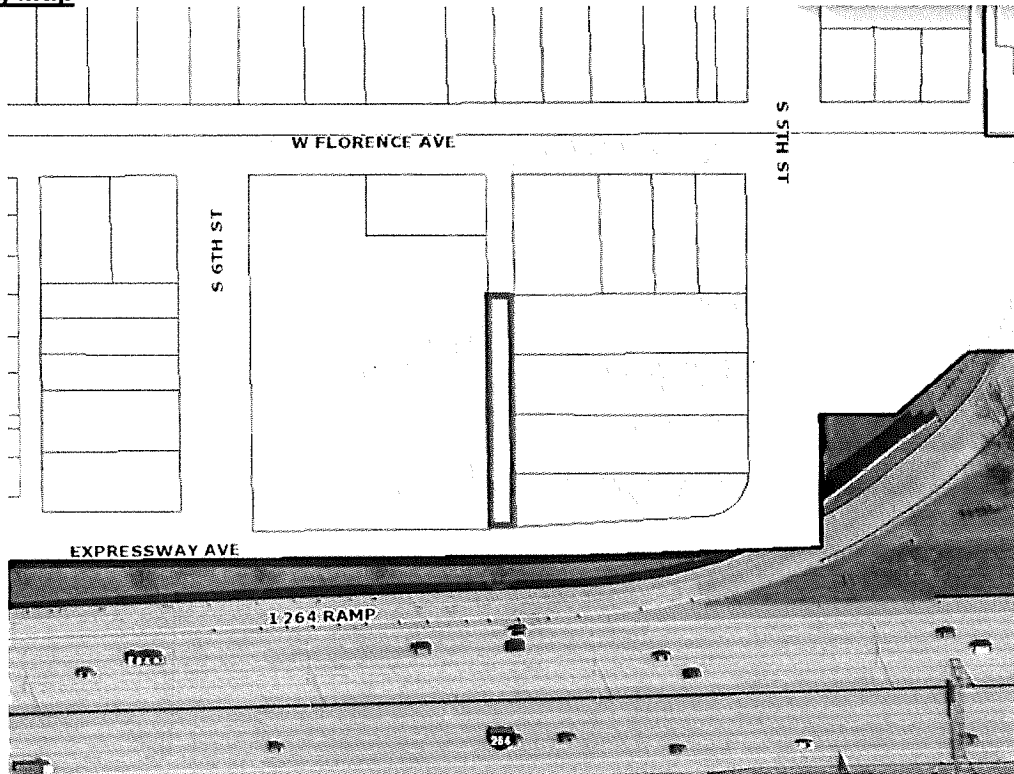
### NOTIFICATION

Date	Purpose of Notice	Recipients
N/A	Meeting before LD&T	All owners are Expressway Church of Christ, LLC.; no notice sent.

### ATTACHMENTS

1. Zoning Map
2. Aerial Photo

1. Zoning Map



3. Aerial Photo



**Land Development and Transportation Committee  
Staff Report**  
September 8, 2016



Case No:	18175
Request:	Street Closure
Project Name:	Expressway Church
Location:	W. Florence, S. 6 <sup>th</sup> , & S. 5 <sup>th</sup> Streets; & Expressway Avenue
Owner:	Louisville Metro
Applicant:	Rich Design Studios
Representative:	Rich Design Studios – Kevin Rich
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	Joel P. Dock, Planner I

**REQUEST**

- **Street Closure**

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The applicant proposes a partial closure of a 20' unimproved alley located in a block bound by W. Florence Street to the North, Expressway Avenue at the Southern terminus, and S. 5<sup>th</sup> and 6<sup>th</sup> Streets to the East and West. The proposal is being made in an effort to consolidate multiple properties for the expansion of an existing religious building, case 15DEVPLAN1065. All properties abutting the portion of the alley to be closed are owned by Expressway Church of Christ, LLC.

This case was originally heard by the Land Development and Transportation Committee on April 10, 2014. Action was deferred to a "date-uncertain" due to lack of consent from adjoining property owners concerning the location of an LG&E easement that would be required for the full closure proposed before the committee. The closure has been revised to a partial closure and LG&E has no objections to the proposal. Easements will be obtained from LG&E as needed from the property owner.

**ASSOCIATED CASES ON SITE**

15DEVPLAN1065: Category 3 development plan for expanded religious building

**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: LG&E will obtain easements as needed from the property owner; otherwise the proposal creates no additional demand on public facilities and services.

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. LG&E will obtain easements as needed from the property owner.

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 applicant will provide for the improvements. It does not appear any improvement will be needed the right-of-way is currently unimproved and construction of a religious building is proposed across the proposed portion being closed and abutting lots. Sidewalk currently exists on the Southern side of W. Florence Street that connects residential areas along the road.

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) and Guideline 8 (Transportation Facility Design). Any physical improvements necessary for the closure will be completed by the applicant. Right-of-way proposed for closure does not serve as public access to surrounding uses or obstruct circulation with adjacent uses. Sidewalk currently exists on the Southern side of W. Florence Street that connects residential areas along the road

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

Louisville Fire District – Approved

E-911/Metro Safe Addressing – Approved

AT&T – Approved

MSD – Approved

Louisville Metro Health Department – Approved

Louisville Gas & Electric – Approved; LG&E will obtain easements as needed from the property owner

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 with respect to the Traditional Neighborhood Form District wherein this site is located.

The proposal is in order to be placed on the Consent Agenda of the Planning Commission on September 29, 2016 as 100% of the abutting property owners are owned by the same entity and lots will be consolidated prior to the construction of the religious building proposed in case 15DEVPLAN1065.

#### 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, BUSINESS SESSION, or CONSENT AGENDA.**

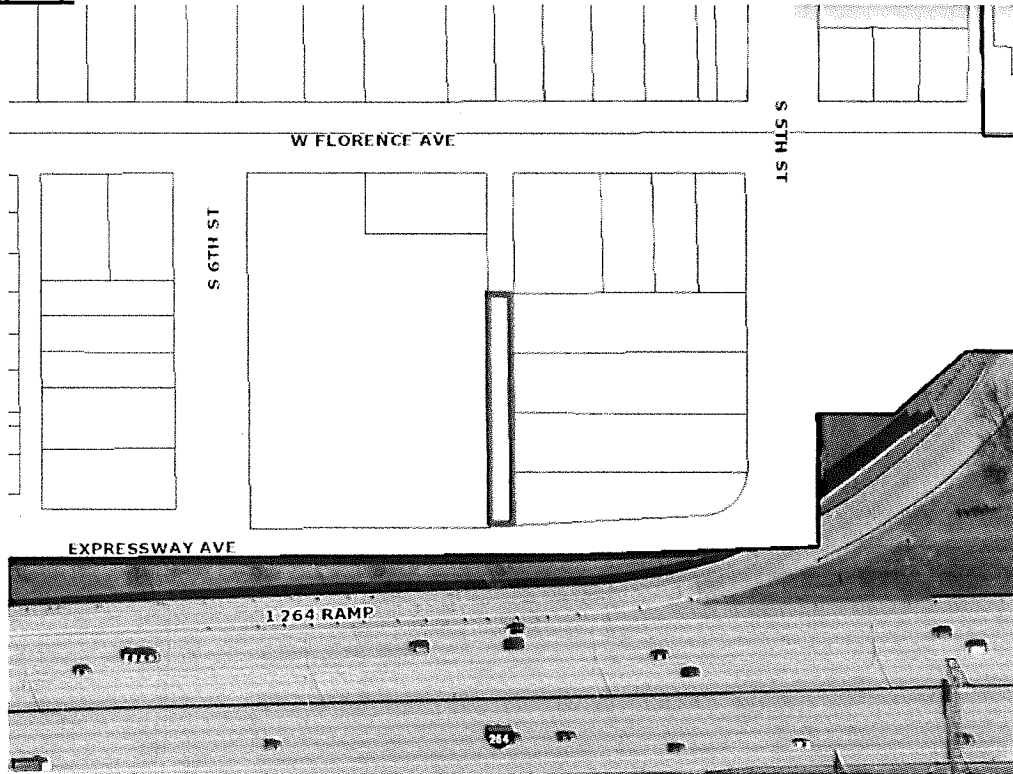
### NOTIFICATION

Date	Purpose of Notice	Recipients
N/A	Meeting before LD&T	All owners are Expressway Church of Christ, LLC.; no notice sent.

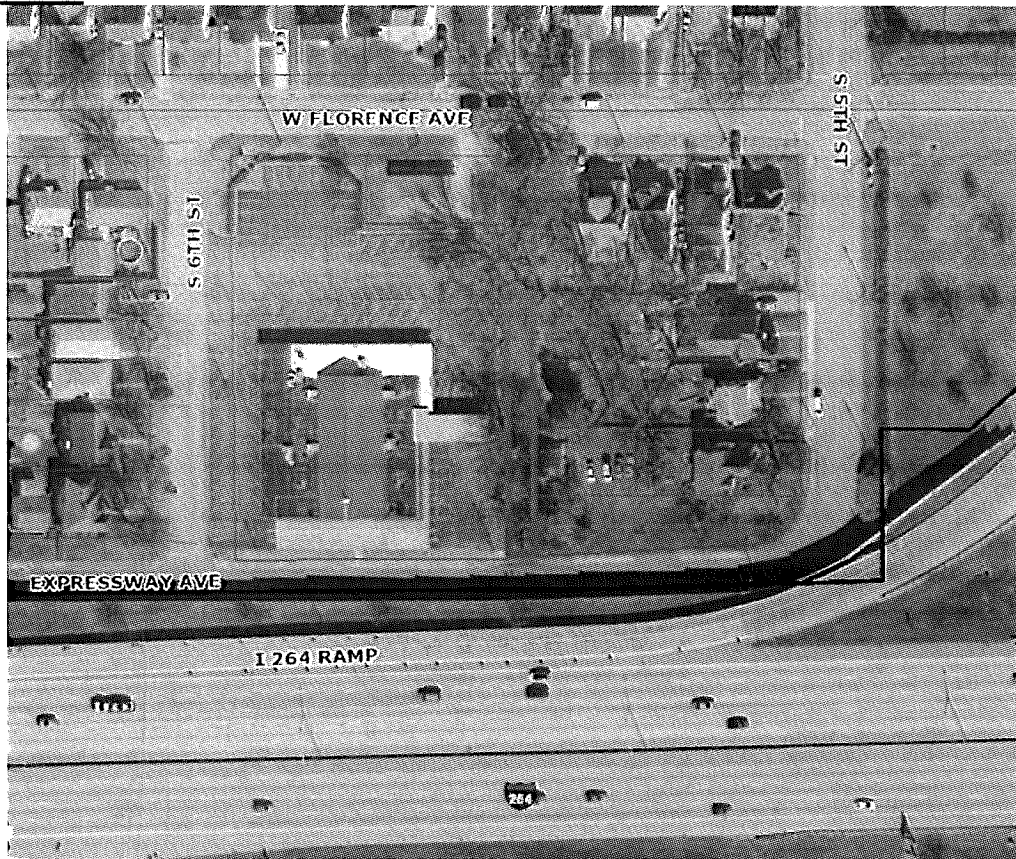
### ATTACHMENTS

1. Zoning Map
2. Aerial Photo

1. Zoning Map



3. Aerial Photo





**Land Development and Transportation Committee  
Staff Report**  
April 10, 2014



<b>Case No:</b>	18175
<b>Request:</b>	Alley Closure for the alley in the block bounded by Florence Avenue, S. 5 <sup>th</sup> Street, Expressway Avenue, and S. 6 <sup>th</sup> Street
<b>Project Name:</b>	Alley Closure for Expressway Church of Christ
<b>Location:</b>	4437 S. 6 <sup>th</sup> St.
<b>Owner:</b>	Louisville Metro
<b>Applicant:</b>	Expressway Church of Christ
<b>Representative:</b>	Expressway Church of Christ
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	15 – Marianne Butler
<b>Case Manager:</b>	David B. Wagner – Planner II

**REQUEST**

- Alley Closure for the alley in the block bounded by Florence Avenue, S. 5<sup>th</sup> Street, Expressway Avenue, and S. 6<sup>th</sup> Street

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The alley proposed for closure is an unimproved right-of-way that was recorded as part of the Oakdale Addition Subdivision in 1927 (Plat Book 6, Page 62). The church would like to take ownership of the alley as they have stated the maintenance has been provided by the church for many years.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Right-of-Way	R-5	TN
<b>Proposed</b>	Private Use	N/A	N/A
<b>Surrounding Properties</b>			
<b>North</b>	Single Family Residential	R-5	TN
<b>South</b>	I-264	R-5	TN
<b>East</b>	Single Family Residential	R-5	TN
<b>West</b>	Church, Single Family Residential	R-5	TN

**PREVIOUS CASES ON SITE**

- Plat Book 6, Page 62: Oakdale Addition Subdivision (1927)

**INTERESTED PARTY COMMENTS**

Staff has received no inquiries.

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020

**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 except for LG&E infrastructure in the right-of-way (ROW) requested for closure. The applicant has worked with the utility to obtain easements from the other adjoining property owners but have yet to obtain them all.**

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: Currently, the necessary easement agreements have not been obtained nor have alternative locations been provided for 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: In regards to Comprehensive Plan compliance, the alley is an unimproved ROW. Since there is no pavement, and none of the adjoining lots utilize the alley for rear access to their property, the closure will not adversely affect traffic on the 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 – **Approved**

KTC – **Approved**

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

AT&T – **Approved**

MSD – **Approved**

Louisville Metro Health Department – **Approved**

Louisville Gas & Electric – **There are 6 easements necessary and we have received 3 executed documents. One property owner (Nguyen) did not respond and Mr. Pierce and Mr. Lehman rejected the easement request. We have received both easements from Expressway Church of Christ and the easement from Stacy L. Massey.**

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 Traditional Neighborhood Form District. The ROW is unimproved and does not provide rear access to any of the adjoining properties. Therefore, the grid pattern of streets and surrounding traffic will not be affected by the closure.

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

- LG&E has requested easements to be secured before closure of this ROW as the utility has both gas and electric facilities within the alley. Section 6.3.3.D of the Land Development Code (LDC) states the following: 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. Before the Planning Commission makes a recommendation to Louisville Metro Council, the applicant will need to work with LG&E to obtain their approval. Staff recommends the LD&T Committee not set a public hearing date until the applicant has obtained LG&E approval.
- The applicant has not obtained 100% adjoining property owner consent to the closure. Unless 100% consent is obtained, this case must go to a public hearing before the Planning Commission. The applicant will need to ensure delivery of the postcard notices and that the legal advertisement is placed in the Courier-Journal in the required timeframe. All associated fees shall be paid by the applicant.

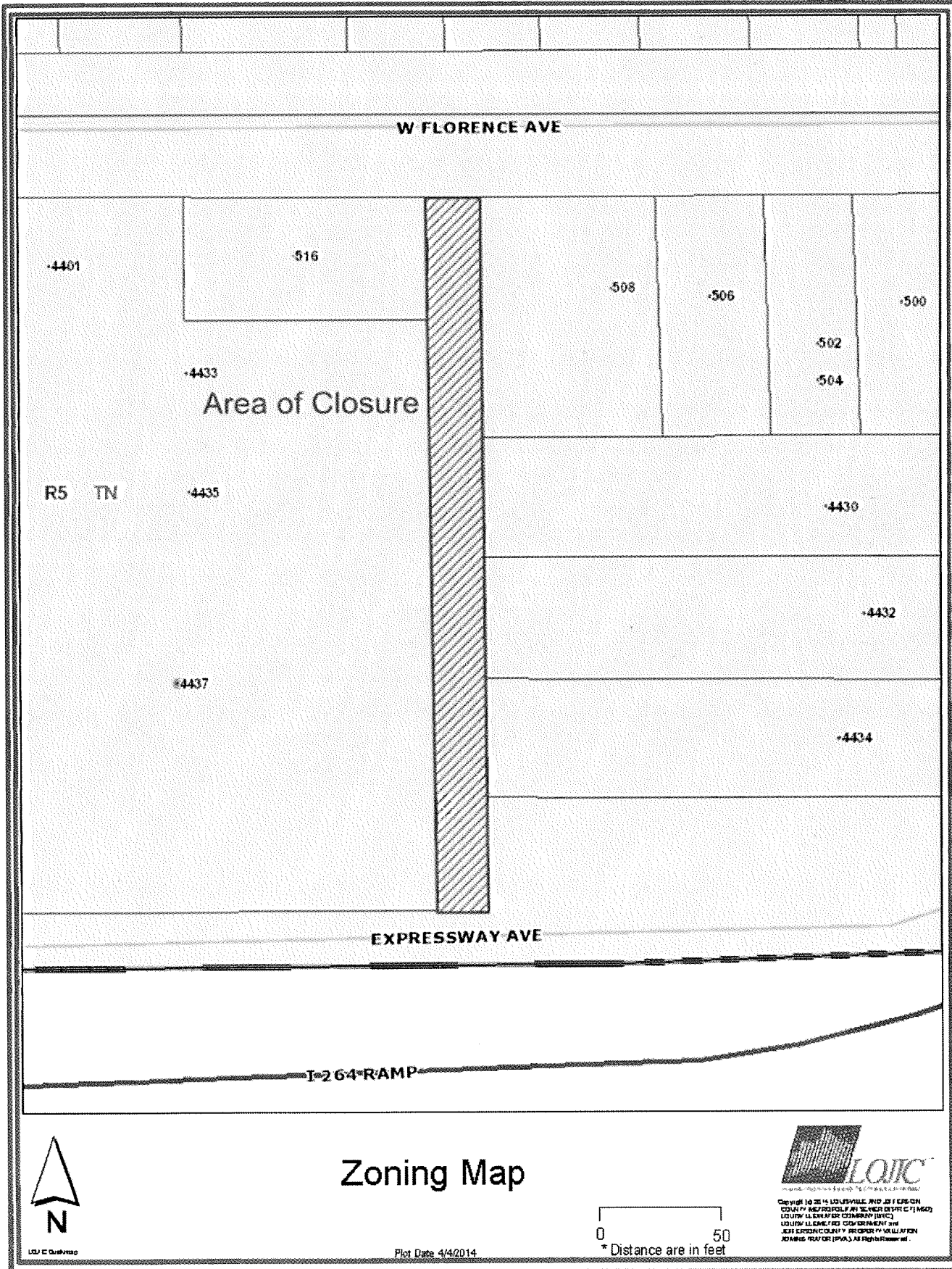
### NOTIFICATION

Date	Purpose of Notice	Recipients
3/28/14	Meeting before LDT	1 <sup>st</sup> tier adjoining property owners Subscribers to Council District 15 Notification of Development Proposals

### ATTACHMENTS

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

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 1: Community Form	B.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	The proposal preserves the existing grid pattern of streets, sidewalks and alleys because the alley is unimproved and is not needed as part of the street and alley grid pattern.
Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	Since the alley is unimproved, the closure will not cause any traffic issues. Therefore, the proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.
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 proposal provides for an appropriate functional hierarchy of streets as the alley is unimproved and does not provide rear access to any adjoining lots.

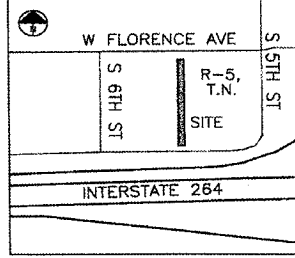
**4. Conditions of Approval**

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. All necessary easements are granted or measures must be 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. 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.

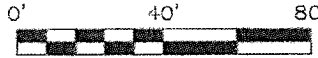
5. **Closure Plat**

NOTES:

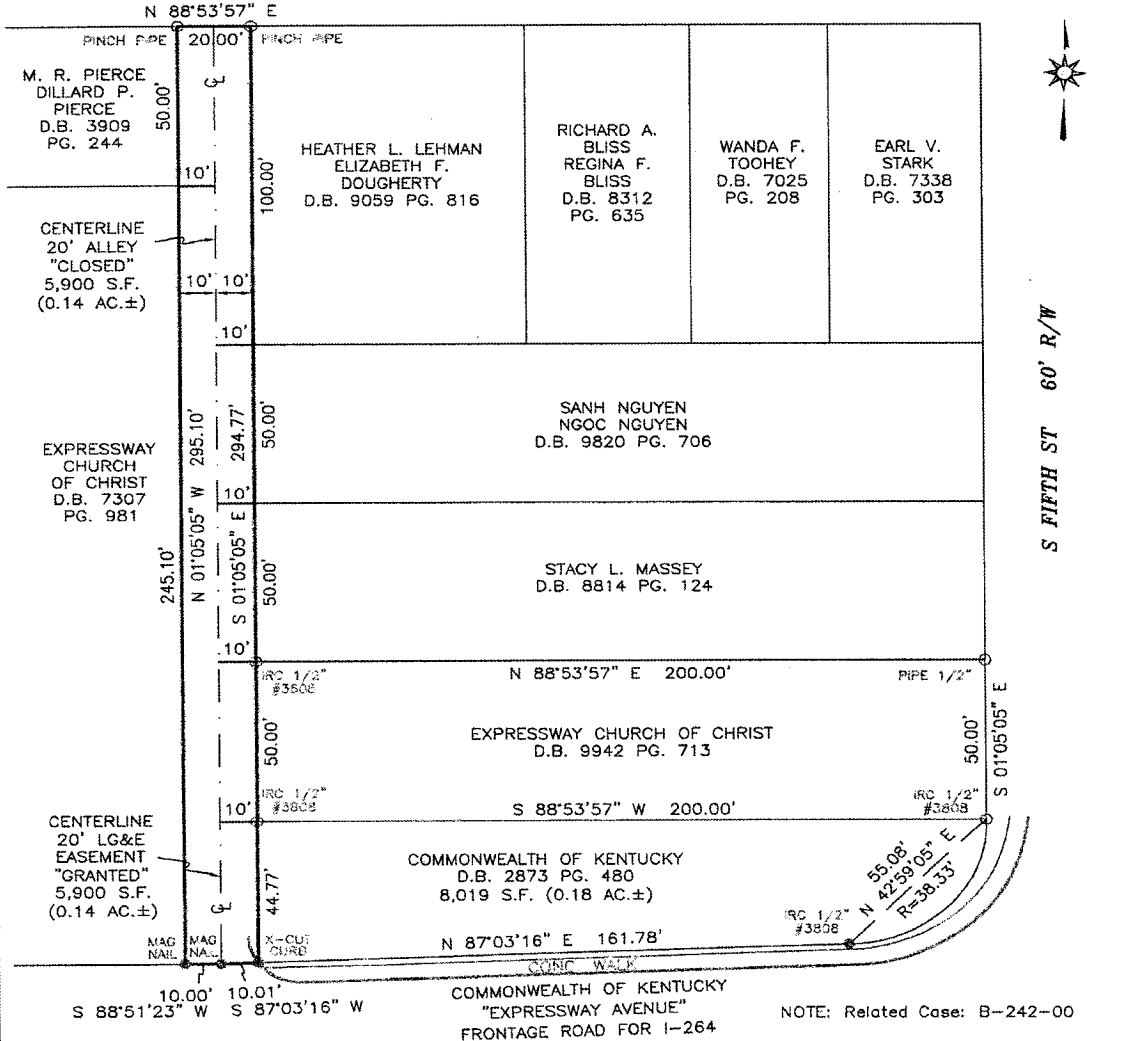
- A title search was not provided and this property is subject to all easements, right-of-ways, covenants, liens, and encumbrances, whether shown hereon or not.
- This survey was conducted by method of random traverse and was not adjusted. The error of closure was less than  $0.05' + 100$  PPM.
- Subject property is located in Flood Zone "X" per a review of FIRM #21111C0057E, effective 12/5/06. Based on the above information, this property is not located in a Special Flood Hazard Area.
- The reference meridian for this survey is the line of West Florence Avenue, having a bearing of  $N 88^{\circ}53'57'' E$  per D.B. 7307 PG. 981, as recorded in the Office of the Clerk of Jefferson County, Kentucky.
- Alley to be closed is shown on Plat of Oakdale Addition, as recorded in Plat Book 6, Page 62, in the Office of the Clerk of Jefferson County, Kentucky.



**W FLORENCE AVE**  
60' R/W



LOCATION MAP  
(NOT TO SCALE)



- LEGEND**
- = SET MONUMENT
  - = FOUND MONUMENT
  - = BOUNDARY LINE

STATE OF KENTUCKY  
**MICK LOGSDON**  
3808  
LICENSED PROFESSIONAL LAND SURVEYOR

I hereby certify that this plat and survey were made under my direct supervision and that the angular and linear measurements as witnessed by monuments shown hereon, are true and correct to the best of my knowledge and belief. This survey and plat meets or exceeds the minimum standards of governing authorities. This is an "urban" class survey.

*Mick Logsdon*  
Mick Logsdon, PLS #3808 DATE: 10/21/2012

**PLAT OF RIGHT-OF-WAY CLOSURE**  
PURPOSE: TO GIVE POSSESSION OF ALLEY TO ADJOINING PROPERTY OWNERS

FOR EXPRESSWAY CHURCH OF CHRIST  
4437 S. 6TH ST, LOUISVILLE KY 40214  
CURRENT ZONING: R-5, T.N.

LOGSDON SURVEYING  
1948 GARDINER LN, LOUISVILLE KY 40205  
PH 502-599-9930 FAX 502-384-8865  
www.logsdonsurveying.com  
FIELD DATE: 8/29/2012 SCALE: 1" = 40'

18175

6. Legal Description



# LOGSDON SURVEYING

1948 GARDINER LANE, LOUISVILLE KY 40205  
PH 502-599-9930 FAX 502-384-8865 LOGSDONSURVEYING.COM

September 1, 2012

To Whom It May Concern:

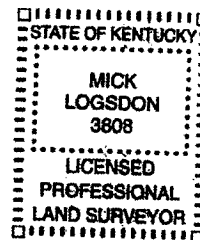
The following describes real property located in Jefferson County, Kentucky:

BEGINNING at a pinch pipe at the intersection of the West line of a 20-foot alley and the South line of West Florence Ave, said intersection being in Block 15, Oakdale Addition, as recorded in Plat Book 6, Page 62-63, in the Office of the Clerk of Jefferson County, Kentucky; THENCE with the South line of West Florence Avenue, North 88 deg. 53 min. 57 sec. East 20.00 feet to a pinch pipe at the intersection of the East line of said alley and the South line of West Florence Ave; THENCE with the East line of said alley and parallel to South Fifth Street, South 01 deg. 05 min. 05 sec. East 294.77 feet to an x-cut set on the top of a concrete curb at the proposed North line of Expressway Avenue, a frontage road for Interstate 264; THENCE with said proposed North line of Expressway Avenue, South 87 deg. 03 min. 16 sec. West 10.01 feet to a MAG nail, PLS #3808; THENCE with said proposed North line of Expressway Avenue, South 88 deg. 51 min. 23 sec. West 10.00 feet to a MAG nail, PLS #3808, in the West line of said alley; THENCE with the West line of said alley, North 01 deg. 05 min. 05 sec. West 295.10 feet to the POINT OF BEGINNING, containing 5,900 S.F. (0.14 acres), more or less, per survey of Logsdon Surveying conducted on or about August 29, 2012;

BEING part of a 20-foot alley shown in Block #15, Oakdale Addition, as recorded in Plat Book 6, Page 62-63, in the aforesaid Office.

Signed,

Mick Logsdon, Logsdon Surveying  
1948 Gardiner Ln, Louisville KY 420205  
PH (502) 599-9930, FAX (502) 384-8865  
<http://www.logsdonsurveying.com>



RECEIVED  
SEP 25 2012  
PLANNING &  
DESIGN SERVICES

18175