

# Planning Commission Staff Report

June 29, 2017



|                          |  |
|--------------------------|--|
| <b>Case No:</b>          | <b>17streets1006</b>   |
| <b>Request:</b>          | <b>Partial Street Closure of North and South Church Way and a 20' public passway</b> |
| <b>Project Name:</b>     | <b>St. Matthews Mixed Use Re-Development</b>   |
| <b>Location:</b>         | <b>4156, 4158, &amp; 4170 Shelbyville Road &amp; 4303 &amp; 4315 S Church Way</b>    |
| <b>Owner:</b>            | <b>David Peterson Group LLC; 4170 Shelbyville Road LLC</b>                           |
| <b>Applicant:</b>        | <b>Investment Properties Advisors LLC</b>  |
| <b>Representative:</b>   | <b>Sabak, Wilson, and Lingo Inc.; Wyatt Tarrant &amp; Combs LLP</b>                  |
| <b>Jurisdiction:</b>     | <b>City of St. Matthews</b>  |
| <b>Council District:</b> | <b>9-Bill Hollander</b>  |
| <b>Case Manager:</b>     | <b>Julia Williams, RLA, AICP, Planning Supervisor</b>                                |

## REQUEST

- Partial Street Closure of North and South Church Way and a 20' public passway

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The proposal is for the partial closure of North and South Church Way and a 20' public passway that is currently located on the mixed use redevelopment site (Tafel Motors). All property abutting the rights of way for closure is owned by the David Peterson Group. Utility infrastructure on the site and in the area of development is proposed to be reconfigured to fit the proposed development site.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

|                                      | Land Use  | Zoning   | Form District |
|--------------------------------------|---|----------|---------------|
| <b><i>Subject Property</i></b>       |   |          |               |
| <b>Existing</b>                      | Commercial                                      | C-2/R-7  | SMC/N         |
| <b>Proposed</b>                      | Mixed Use                                       | C-2/R-7  | SMC/N         |
| <b><i>Surrounding Properties</i></b> |   |          |               |
| <b>North</b>                         | Commercial                                      | C-1      | SMC           |
| <b>South</b>                         | Multi-Family Residential                        | R-7/OR-3 | N             |
| <b>East</b>                          | Multi-Family Residential,<br>Commercial, Office | OR-3/C-2 | SMC           |
| <b>West</b>                          | Multi-Family Residential,<br>Commercial         | C-2/OR-3 | SMC/N         |

## PREVIOUS CASES ON SITE

17devplan1053- Revised District Development Plan  
 B-16424-11- Modified conditional use permit for offsite parking to relocate entrance to the north side of the property (S. Church Way property).

- 14548- Approval of a change in zoning from OR-3 to C-2 and variance to expand auto sales.
- 12803- Approval of a Revised District Development Plan for Mini-Cooper dealership at 4170 Shelbyville Road.
- 9-31-01- Approval of a change in zoning from OR-3 to C-2.
- 9-5-95- Change in zoning from OR-3 to C-2 with a CUP for off street parking in a residential zone. A variance to permit parking in a required yard was also approved.

**INTERESTED PARTY COMMENTS**

1. Thank you for returning my call so quickly. Sorry for the trouble with my email. I am strongly opposed to the proposed plan for the use of the Tafel Motors property. I would like to know if there is anyone else I should contact, other than my council representative, to express my concern. Also, do you know when public meetings will be held or how notice of the meetings will be announced? Thank you for your help and service to our community. -Shannon Langley

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
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 closure of these street segments and passway results in no demand on public facilities and services currently or in the future as no objections to the closure have been received by utility agencies. Utilities will be relocated per the applicants proposed development plan.

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. Utility agencies did not indicate the existence of utilities or the need for future utilities. Utilities will be relocated per the applicants proposed development plan.

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. Utilities will be relocated per the applicants proposed development plan.

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.

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 – No Comments
- MSD – Approved
- Louisville Metro Health Department – Approved
- Louisville Gas & Electric – No Comments
- Louisville Water Company – No Comments
- Louisville Metro Public Works – Approved
- Historic Preservation – No Comments
- TARC – Approved

**STAFF CONCLUSIONS**

The proposal meets the guidelines of the comprehensive plan and requirements of the Development Code.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must make a recommendation to the City of St. Matthews for approval or denial based on if the proposal meets the standards for granting a street closure established in the Development Code.

**NOTIFICATION**

| Date    | Purpose of Notice            | Recipients  |
|---------|------------------------------|---|
| 6/13/17 | Hearing before PC on 6/29/17 | 1 <sup>st</sup> tier adjoining property owners<br>Speakers at Planning Commission public hearing<br>Subscribers of Council District 9 Notification of Development Proposals |

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph





