

PLANNING COMMISSION MINUTES
February 21, 2019

PUBLIC HEARING
CASE NO. 18STREETS1023

Request: Street Closure
Project Name: Forest Drive Closure
Location: Forest Drive at East Indian Trail
Owner: Louisville Metro Government
Applicant: Creek Alley Contracting
Representative: AL Engineering, Inc.
Jurisdiction: Louisville Metro
Council District: 2 – Barbara Shanklin
Case Manager: Joel Dock, AICP, Planner II

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:32:41 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Barry Baxter, 117 West Main Street, LaGrange, Ky. 40031
Fred Levein, 154 Thierman Lane, Louisville, Ky. 40207

Summary of testimony of those in favor:

00:36:32 Mr. Baxter submitted the affidavit for public notice into the record.

Mr. Baxter gave a power point presentation. This will be a down zoning as the current multi-family zoning is not compatible with the surrounding area. Access will be from Forest Dr., not Valla Rd. There will be detention and protection for the creek.

00:44:44 Mr. Levein is a real estate broker representing the Owner Age Land Trust and Creek Alley Contracting. The developer is down zoning and relocated a road for construction traffic.

00:45:48 Commissioner Brown asked if there will be additional screening provided for the lots that back up to Valla Rd. (lots 19-27)? Mr. Baxter said there's an issue with fencing, but there's some existing growth. There will be no access from any of these lots on Valla Rd.

The following spoke in opposition to this request:

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Paul Beamus, Jr., 4823 Valla Road, Louisville, Ky. 40213
Jim Lynch, 4822 Valla Road, Louisville, Ky. 40213

Summary of testimony of those in opposition:

00:47:08 Mr. Beamus stated he doesn't want any access through Valla Rd. because it's a private road. He requests a barrier or fence.

00:48:30 Mr. Lynch is concerned about access from the potential new neighbors back yards to Valla Rd. He requests a barrier as well.

00:51:56 Mr. Beamus said he wouldn't want a wooden fence because, in time, it will deteriorate.

Rebuttal

00:52:34 Mr. Baxter said they want the proposal to be attractive so a chain link fence is not an option. Some trees will be preserved and underbrush cleaned out (some to remain). A nice vinyl fence could be a viable option. Commissioner Carlson suggests making the homeowners association responsible for maintaining the fence.

00:55:08 Mr. Dock stated, if you add a binding element, make it a maximum of 48 inches within the setback along Valla Rd.

Deliberation

00:57:15 Planning Commission deliberation.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Street Closure

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, adequate public facilities are available to serve existing and future needs of the community. The proposed closures do not result in an increase in demand on public facilities or services as utility agencies have coordinated with the applicant and/or

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applicant's representative and Planning and Design Services staff to ensure that facilities are maintained or relocated through agreement with the developer. No property adjacent or abutting the rights-of-way to be closed will be left absent of public facilities or services, or be dispossessed of public access to their property; and

WHEREAS, any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer, including the cost of improvements to those rights-of-way and adjacent rights-of-way, or the relocation of utilities and any additional agreement reached between the utility provider and the developer; and

WHEREAS, the Louisville Metro Planning Commission finds, the request to close right-of-way and relocated said right-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Guideline 7, Policy 1 provides that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development; Guideline 7, Policy 6 strives to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands; Guideline 7, Policy 9 provides that the Planning Commission or legislative body may require the developer to dedicate rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development as set forth in the Land Development Code and/or an adopted urban mobility plan; Guideline 8, Policy 8 states that Adequate street stubs for future roadway connections that support access and contribute to appropriate development of adjacent lands should be provided by new development and redevelopment; and Guideline 14, Policy 7 provides that the design and location of utility easements provide access for maintenance and repair and to minimize negative visual impacts. Any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer. Adequate public facilities are available to serve existing and future needs of the community. Any facility required to be placed in an easement or relocated will be done so by the developer. Transportation facilities have been provided to accommodate future access and to not dispossess property owners of public access. All adjacent residential lands maintain access to public infrastructure and utility services will continue to be provided to these lands. Public access is provided to Poplar Level Road. No other access to adjacent lands or public ways is necessary as connectivity to Indian Trail has significant topographic and natural challenges and a school is located to the west. Further, Roads to the immediate east are private. Right of way is being closed and created to facilitate development. The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development as sidewalks have been provided to connect to major roadway provided transit service; and

WHEREAS, the Louisville Metro Planning Commission further finds there are no other relevant matters to be considered by the Planning Commission.

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RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council to **APPROVE** the street closure on property described in the attached legal description.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Lewis, Tomes and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Howard, Peterson, Robinson and Smith