

**Planning Commission**  
**Staff Report**  
December 5, 2019



<b>Case No:</b>	19-STRCLOSURE-0008
<b>Project Name:</b>	Noble Funk Development Alley Closure
<b>Location:</b>	Alley south of W Breckinridge St between S 2 <sup>nd</sup> St and S 3 <sup>rd</sup> St
<b>Owner(s):</b>	Louisville Metro Government
<b>Applicant:</b>	Domino Partners
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Barbara Sexton Smith
<b>Case Manager:</b>	Jay Luckett, AICP, Planner I

**REQUEST(S)**

- Closure of Public Right-of-Way

**CASE SUMMARY/BACKGROUND**

The applicant is proposing to close a public alley that is approximately 420 feet long and 20 feet wide. It runs east to west between S 2<sup>nd</sup> St and S 3<sup>rd</sup> St, and is south of W Breckinridge St in the SoBro Planned Development District and the Downtown form district. The closure is associated with the Noble Funk brewery and food hall development, located at the former Kroger grocery store site at 922 S 2<sup>nd</sup> St.

**STAFF FINDING**

Alley closures are specifically discouraged by the SoBro Planned Development District, and use of alleys to access parking areas is encouraged by the Comprehensive Plan. However, the applicant has agreed to provide access easements across the sites at 922 S 2<sup>nd</sup> St and 917 S 3<sup>rd</sup> St that will allow for the functionality and connectivity of the alley system to continue. The closure of the alley where it intersects with S 3<sup>rd</sup> St and shift of vehicular traffic to the new access easement farther south will alleviate a known point of conflict between pedestrians and cars due to existing conditions of that alley and the structure located at 226 W Breckinridge St. Since the alley closure will result in increased pedestrian safety while still maintaining vehicular connectivity between the one-way streets of S 2<sup>nd</sup> St and S 3<sup>rd</sup> St, the request is adequately justified and meets the standards of review.

**TECHNICAL REVIEW**

The applicant has agreed to establish a public utility and access easement at the request of Louisville Metro Public Works.

The applicant will need to provide an easement or relocate equipment that currently exists in the alley to satisfy AT&T prior to recording the closure plat.

**INTERESTED PARTY COMMENTS**

Advanced Planning Staff has expressed that they are satisfied with the easements to maintain traffic circulation and do not have further concerns with this proposal.

## **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: Adequate public facilities are available to serve existing and future needs of the community. The proposed closure does not result in an increase in demand on public facilities or services as utility agencies have coordinated with the applicant and/or 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. The applicant has provided access easements to allow continued vehicular circulation in the area after the closure is completed.

2. 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: 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.

3. 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 request to close the right-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Mobility Goal 2, Policy 2 states to coordinate use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users; Mobility Goal 3, Policy 1 states to provide transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. Goal 3, Policy 12 states 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. Where appropriate, provide at least one continuous roadway through the development to tie all local access roads or parking areas to the arterial street system. Adequate stub streets and pedestrian connections should be provided by developments. 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 lands maintain access to public infrastructure and utility services will continue to be provided to these lands. While part 2.2 of the Streetscape Standards of the SoBro Planned Development District discourages the closure of alleys, the applicant has provided access easements that will maintain the existing

connectivity of the alley network. The closure of the alley where it intersects with S 3<sup>rd</sup> St will eliminate a known point of conflict between pedestrians and vehicles. The new access easement layout will be offset instead a straight line, which will reduce vehicle speeds through the alley network, and the closure of the alley will also reduce the number of curb cuts on major arterial roadways. The overall result will be a safer transportation network for all road users in the area, while still maintaining connectivity.

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

STAFF: There are no other relevant matters to be considered by the Planning Commission.

**REQUIRED ACTIONS:**

- **RECOMMEND** that Louisville Metro Council **APPROVE** or **DENY** the **Closure of Public Right-of-Way**.

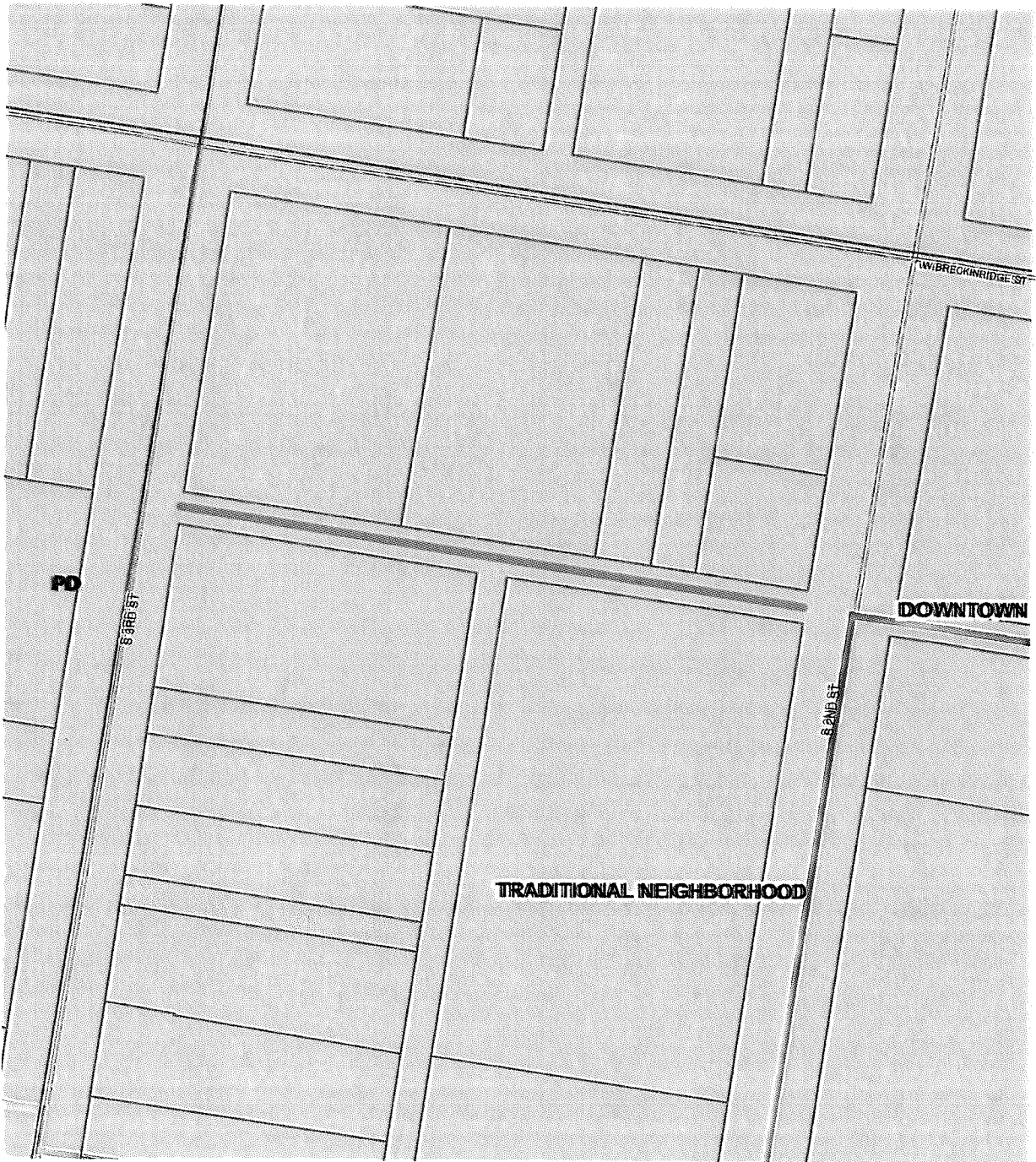
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>10-8-19</b>	Hearing before LD&T	Electronic Notice Only Registered Neighborhood Groups in Council District 4
<b>10-26-19</b>	Hearing before PC	Electronic Notice Only Registered Neighborhood Groups in Council District 4
<b>11-1-19</b>	Hearing before PC	Signs posted on subject site
<b>11-23-19</b>	Hearing before PC	Legal ad in Louisville Courier-Journal

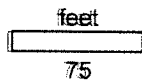
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



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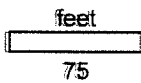


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2. Aerial Photograph



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3. **Proposed Condition of Approval**

1. Any easements requested or work required by AT&T associated with the existing utility service equipment in the closure area shall be completed to their satisfaction prior to the recording of the final plat. Written confirmation from an authorized representative of AT&T of the completion of this work shall be submitted to Planning and Design Services Staff prior to recording of the final plat.

**Land Development and Transportation Committee**  
**Staff Report**  
October 24, 2019



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**STAFF FINDING**

The applicant has 100% consent from all property owners adjacent to the alley to be closed and all affected utility agencies have agreed to the closure, so it may be docketed for the consent agenda at the discretion of the Land Development and Transportation Committee. However, Planning and Design Services Staff has concerns that the proposed closure is in conflict with the Comprehensive Plan, the SoBro neighborhood plan and the SoBro PDD and suggests that the case should be docketed for a public hearing.

**TECHNICAL REVIEW**

The applicant has agreed to establish a public utility and access easement at the request of Louisville Metro Public Works. They will need to provide an updated plat to show the proposed bounds of that easement.

**INTERESTED PARTY COMMENTS**

Claire Yates from Louisville Forward's Office of Advanced Planning and Sustainability sent an email expressing concerns that closing alleys in this area conflicts with long-range planning efforts.

**REQUIRED ACTIONS:**

- **SCHEDULE** the case to be heard by the Planning Commission in **CONSENT AGENDA, BUSINESS SESSION** or **PUBLIC HEARING**

**NOTIFICATION**

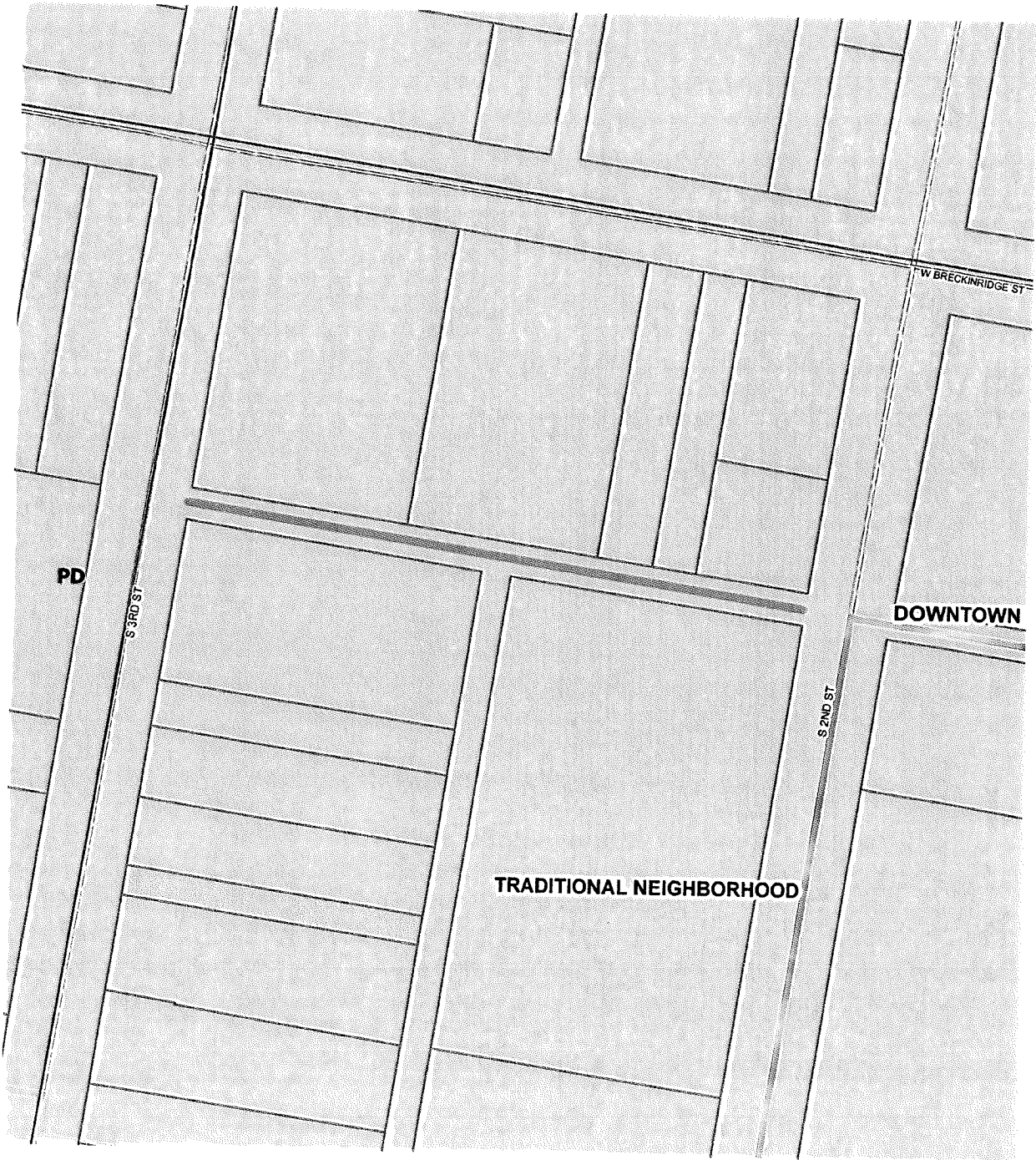
<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
10-8-19	Hearing before LD&T	Electronic Notice Only Registered Neighborhood Groups in Council District 4

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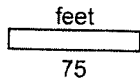
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1. **Zoning Map**



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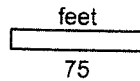


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