

# Planning Commission

## Staff Report

November 16, 2017



<b>Case No:</b>	17STREETS1014
<b>Project Name:</b>	Avoca Road Apartments
<b>Location:</b>	Avoca Road (west of N. English Station Road to Railroad)
<b>Owner(s):</b>	City of Louisville
<b>Applicant:</b>	LDG Development
<b>Representative(s):</b>	Dinsmore and Shohl LLP
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	19-Julie Denton
<b>Case Manager:</b>	Julia Williams, RLA, AICP, Planning Supervisor

### REQUEST(S)

- **Partial Street Closure** of Avoca Road beginning approximately 975 feet west from the intersection of Avoca Road at N. English Station Road to the Avoca Road terminus at the railroad.

### CASE SUMMARY/BACKGROUND

The proposal is to close a portion of Avoca Road that leads to the railroad where the prior access point crossing over the railroad appears to have been closed.

### Associated Cases

- 16ZONE1074: Change in zoning from R-4 and PRD to R-6 (Approved July 2017).

### STAFF FINDING

The proposed closure appears to be adequately justified and meets the standard of review based on the staff analysis in the staff report. Any cost associated with the closure of these rights-of-way 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 or service required to be placed in an easement or relocated will be done so by the developer, unless other arrangements have been agreed upon for the continued maintenance of facilities. Transportation and utility infrastructure will be provided to accommodate continued public access and service to adjacent properties.

### TECHNICAL REVIEW

Louisville Fire District –Middletown Fire Department does not object to the street closure.

E-911/Metro Safe Addressing – E-911 does not object to the proposed street/alley closure.

AT&T – Several attempts have been made by Planning and Design Services staff to gather input from AT&T and each attempt has been followed by no response.

MSD – MSD does not object to the proposed street/alley closure.

Louisville Metro Health Department –The Department of Public Health and Wellness does not object to the proposed street/alley closure.

Louisville Gas & Electric – A draft of a gas easement has been provided by the applicant. Several attempts have been made by Planning and Design Services staff to gather input from LG&E and each attempt has been followed by no response.

Louisville Water Company – LWC has adequate infrastructure in place to supply the development as proposed.

Louisville Metro Public Works – DPW/Transportation Planning staff does not object to the proposed street/alley closure.

Historic Preservation – Preservation staff does not object to the proposed street/alley closure.

TARC – TARC does not object to the proposed street/alley closure.

### **INTERESTED PARTY COMMENTS**

Parker Hollow (adjacent property to the east) requested that there be a turnaround at the terminus of Avoca Road at the apartment site. (The development plan shows a turnaround).

### **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 closures do 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.

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: Utilities within the rights-of-way proposed for closure will be retained as an easement, relocated, or other arrangements made to ensure continued maintenance and provision of services to the property and community.

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: 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.

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 request to close the 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.

5. 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 the Louisville Metro Council **APPROVE** or **DENY** the **partial street closure of Avoca Road.**

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

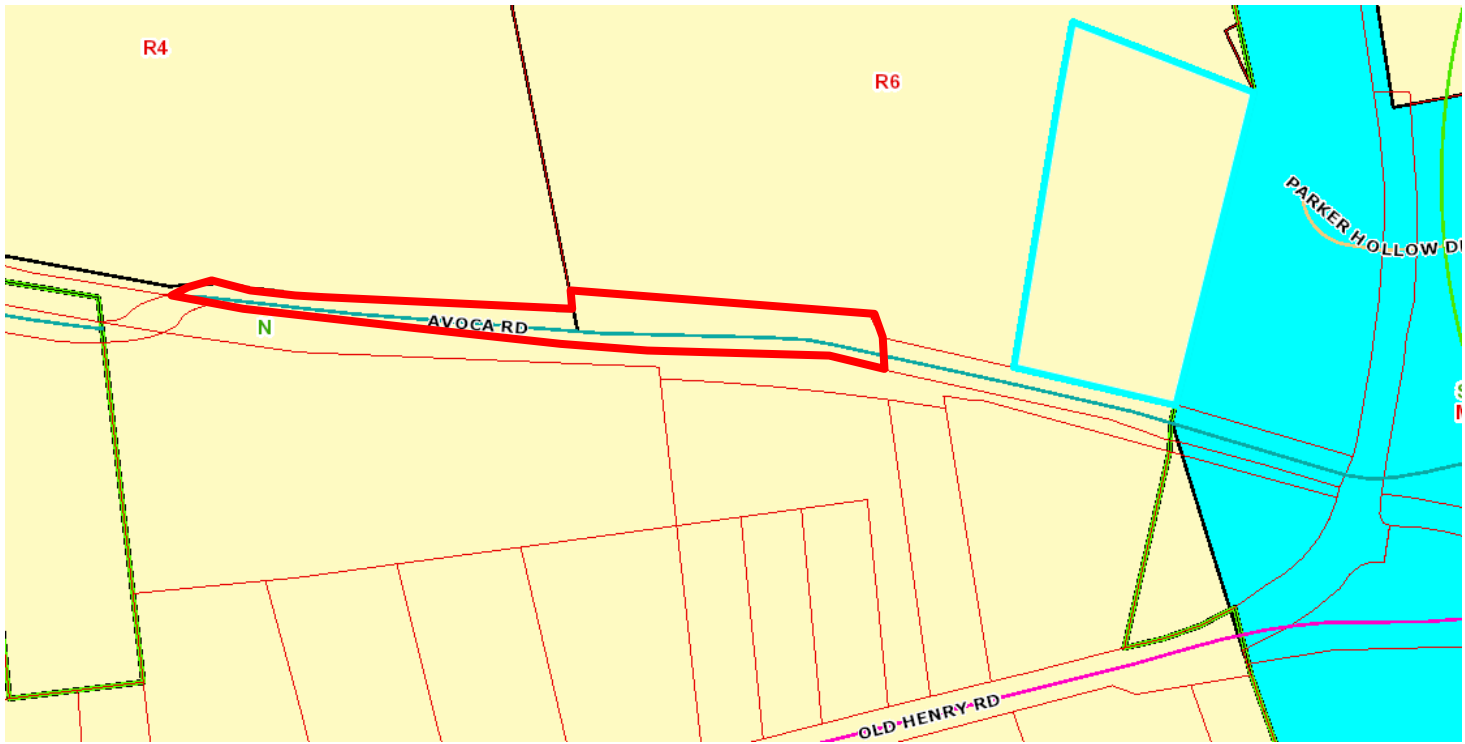
**NOTIFICATION**

Date	Purpose of Notice	Recipients
9/27/17	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 19
10/16/17	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 19__
10/31/17	Hearing before PC	Sign Posting on property

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

