

**Planning Commission
Staff Report**

December 4, 2014



Case No:	14STREETS1008
Request:	Alley Closure close to the southeast corner of West Oak Street and Dixie Highway, being the first alley east of Dixie Highway and intersecting the south side of West Oak Street
Project Name:	Dollar General Alley Closure
Location:	1201 Dixie Hwy.
Owner:	Louisville Metro
Applicant:	Susan Cox Development, LLC
Representative:	Wyatt, Tarrant & Combs, LLP Arnold Consulting Engineering Services, Inc.
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	David B. Wagner – Planner II

REQUEST

- Closure of a 12' wide alley close to the southeast corner of West Oak Street and Dixie Highway, being the first alley east of Dixie Highway and intersecting the south side of West Oak Street

CASE SUMMARY/BACKGROUND/SITE CONTEXT

There recently was a re-zoning approved to allow a Dollar General store on this site. A 12' wide alley separates the two lots that were re-zoned and the closure is intended to allow for those lots to be consolidated while the alley access will instead be provided by an access easement located at the rear of the site. The access easement will continue to allow access from West Oak Street to the alley network in the area and the access easement agreement will be recorded upon recording the alley closure plat and ordinance.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Right-of-Way	R-7, C-1	TMC, TN
Proposed	Retail	R-7, C-1	TMC, TN
Surrounding Properties			
North	Restaurant	R-7, C-1	TMC, TN
South	Church, Multi-Family Residential	R-7	TN
East	Vacant	R-7	TN
West	Vacant	R-7, C-1	TMC, TN

PREVIOUS CASES ON SITE

- 14zone1029: Re-Zoning from R-7 to C-1 for a Dollar General, Variances, Waivers
- B-194-01: CUP for off-street parking

- B-195-01: Variance for off-street parking

INTERESTED PARTY COMMENTS

Staff has received no inquiries.

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.

STAFF: Adequate public facilities will be maintained as the applicant will be granting a private access easement on the site to allow for continued access from West Oak Street to the alley network.

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: Any utility access necessary within the right of way to be closed will be maintained by agreement with 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: 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). Access between the road and alley network will be provided by an access easement agreement granted across the property. There will be no interruption to the street hierarchy in the area and the developer will provide the necessary physical improvements on the site necessary to maintain the access.

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 – **No Response**

E-911/Metro Safe Addressing – **No Response**

AT&T – **No Response**

MSD – **Approved**

Louisville Metro Health Department – **Approved**

Louisville Gas & Electric – **Approved**

Louisville Water Company – **Approved**

Louisville Metro Public Works – **Approved On Condition; An access easement needs to be dedicated with the plat.**

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 and Traditional Marketplace Corridor Form District. The right-of-way must be closed to allow for the proposed development. The alley being closed will maintain access between the local street and alley network via an access easement.

However, there is an item that needs to be addressed:

- The applicant must submit the access easement agreement for review and approval by PDS legal counsel before the request is forwarded to Louisville Metro Council.

The proposal is in order to be placed on the soonest possible Consent Agenda of the Planning Commission as 100% of the adjoining property owners have given their consent to the closure.

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** the applicant submits the access easement agreement for review and approval by PDS legal counsel before the request is forwarded to Louisville Metro Council.

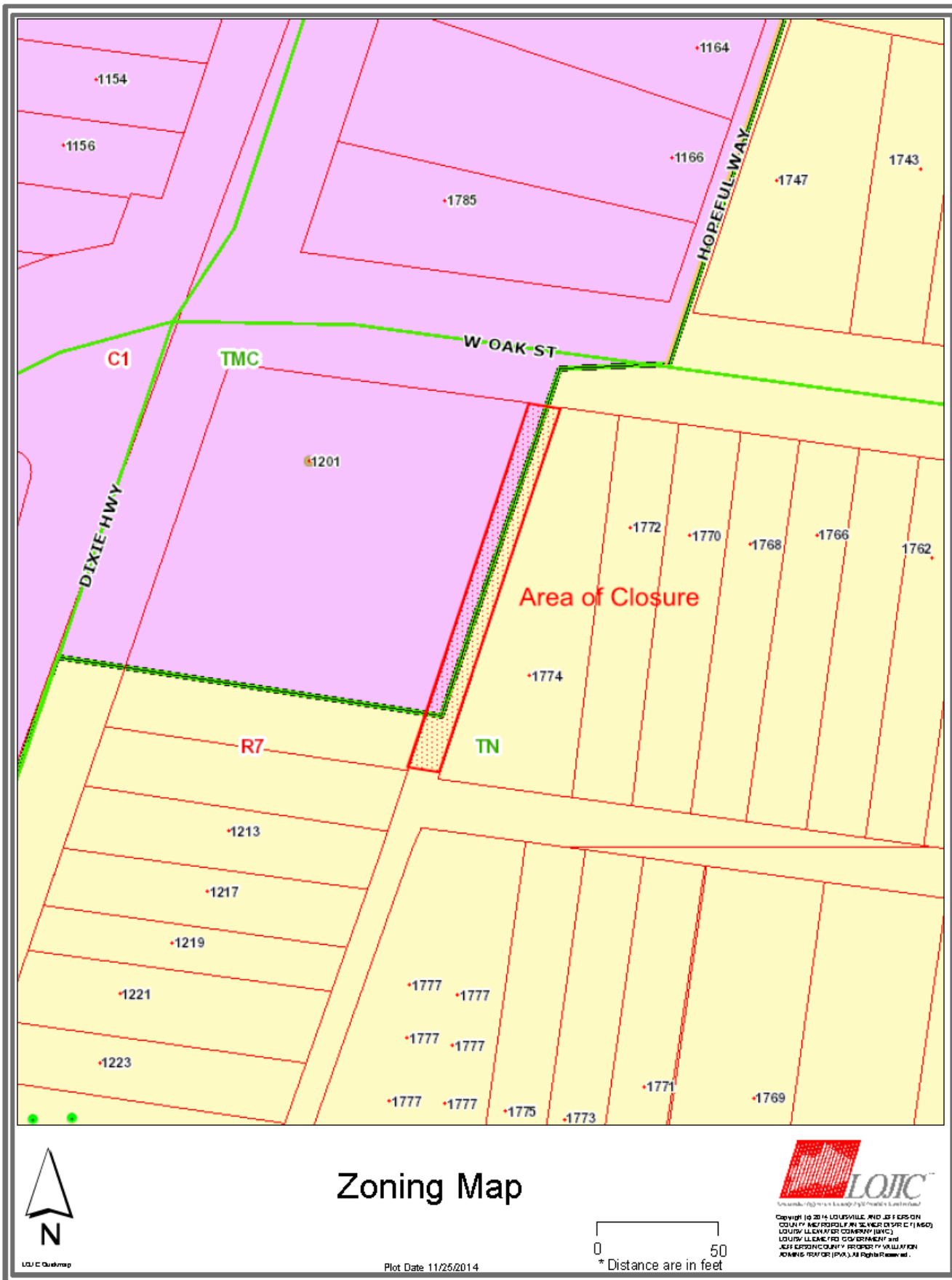
NOTIFICATION

Date	Purpose of Notice	Recipients
11/19/14	Meeting before DRC	1 st tier adjoining property owners Subscribers to Council District 6 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist for Traditional Neighborhood
4. Cornerstone 2020 Staff Checklist for Traditional Marketplace Corridor

1. **Zoning Map**



2. Aerial Photo



3. Cornerstone 2020 Staff Checklist for Traditional Neighborhood

- + Exceeds Guideline
- √ Meets Guideline
- +/- More Information Needed
- Does Not Meet Guideline
- NA Not Applicable

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
37	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	√	The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities.
38	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	NA	The proposal is for an alley closure which will not affect mass transit, bicycle, or pedestrian uses.
39	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	√	The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development. The access from the adjacent street to the alley network will be maintained.
40	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	NA	The proposal does not require the dedication of rights-of-way.
41	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	NA	The proposal does not require parking spaces.
42	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	√	The proposal provides access from the adjacent street to the alley network through the site in the form of an access easement.
43	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	The proposal does not require stub streets.
44	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	√	The proposal avoids access to development through areas of significantly lower intensity or density as it will be re-zoned to commercial and merely connect the site to the road and alley network.
45	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 access from the adjacent street to the alley network through the site in the form of an access easement.

4. Cornerstone 2020 Staff Checklist for Traditional Marketplace Corridor

- + Exceeds Guideline
- √ Meets Guideline
- +/- More Information Needed
- Does Not Meet Guideline

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