

# Planning Commission

## Staff Report

October 21, 2021



<b>Case No:</b>	21-STRCLOSURE-0023
<b>Project Name:</b>	McDonalds Alley Closure
<b>Location:</b>	Alley ROW adjacent to 207 W Broadway, 642, 650, 652, 654, 656 and 658 S 2 <sup>nd</sup> St and 659 S 3 <sup>rd</sup> St
<b>Owner(s):</b>	Louisville Metro
<b>Applicant:</b>	McDonalds Corporation
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Jecorey Arthur
<b>Case Manager:</b>	Jay Lockett, AICP, Planner I

### REQUEST(S)

- Closure of Public Right-of-way

### CASE SUMMARY/BACKGROUND

The proposal is to close the right-of-way of unnamed alleys in Downtown Louisville Metro. The alleys are located to the northwest of the intersection of S 2<sup>nd</sup> St and W Broadway. The alleys measure between 12 feet and 20 feet wide and contains a total area of approximately 5,713.1 SF. The applicant is proposing to create a public utility easement over the closure area to allow continued access to existing utility equipment in the closure area. All property owners having access through the closure area have signed notarized consent to the closure. The alley dead ends at 642 S 2nd but does not provide access to that property. The alley does not provide cross connectivity between any streets.

### STAFF FINDING

The request is adequately justified and meets the standards of review. No properties will be dispossessed of access and necessary easements will be provided for all utility equipment in the closure area.

### TECHNICAL REVIEW

MSD and AT&T have utility equipment within the area of closure, and the applicant has agreed to create a public utility easement to allow continued access for those utility agencies. All other affected agencies have agreed to the closure or declined to comment.

### INTERESTED PARTY COMMENTS

None received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR STREET 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 will provide necessary easements or relocation of equipment per utility agency requirements.

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 2, Policy 7 states that the design of all new and improved transportation facilities should be accessible and; 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. Provide walking and bicycling opportunities to enable activity centers to minimize single-occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling; Mobility Goal 3, Policy 2 seeks to improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers; Mobility Goal 3, Policy 3 to evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices; Mobility Goal 3, Policy 5 to evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality; and Mobility 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.

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.

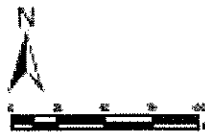
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>8/25/2021</b>	Hearing before LD&T	Registered Neighborhood Groups in Council District 4 First Tier Adjacent Property owners and residents for the closure area.
<b>9/16/21</b>	Hearing Before Planning Commission	Registered Neighborhood Groups in Council District 4 First Tier Adjacent Property owners and residents for the closure area.
<b>9/14/21</b>	Hearing Before Planning Commission	Sign Posted on the Subject Site
<b>10/8/21</b>	Hearing Before Planning Commission	Legal Advertisement in the <i>Courier Journal</i>

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



**21-STRCLOSURE-0023**

Tuesday, August 31, 2021 | 3:20:08 PM



LOJIC © 2021

This map is not a legal document and should only be used for general reference and identification.

2. Aerial Photograph



**21-STRCLOSURE-0023**

Tuesday, August 31, 2021 | 3:20:50 PM



LOJIC © 2021

This map is not a legal document and should only be used for general reference and identification.

**Land Development and Transportation  
Committee  
Staff Report  
September 9, 2021**



<b>Case No:</b>	21-STRCLOSURE-0023
<b>Project Name:</b>	McDonalds Alley Closure
<b>Location:</b>	Alley ROW adjacent to 207 W Broadway, 642, 650, 652, 654, 656 and 658 S 2 <sup>nd</sup> St and 659 S 3 <sup>rd</sup> St
<b>Owner(s):</b>	Louisville Metro
<b>Applicant:</b>	McDonalds Corporation
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Jecorey Arthur
<b>Case Manager:</b>	Jay Lockett, AICP, Planner I

**REQUEST(S)**

- Closure of Public Right-of-way

**CASE SUMMARY/BACKGROUND**

The proposal is to close the right-of-way of unnamed alleys in Downtown Louisville Metro. The alleys are located to the northwest of the intersection of S 2<sup>nd</sup> St and W Broadway. The alleys measure between 12 feet and 20 feet wide and contains a total area of approximately 5,713.1 SF. The applicant is proposing to create a public utility easement over the closure area to allow continued access to existing utility equipment in the closure area. All property owners having access through the closure area have signed notarized consent to the closure. The alley dead ends at 642 S 2nd but does not provide access to that property. The alley does not provide cross connectivity between any streets.

**STAFF FINDING**

The proposal is ready to docket for a public hearing before the Planning Commission.

**TECHNICAL REVIEW**

MSD and AT&T have utility equipment within the area of closure, and the applicant has agreed to create a public utility easement to allow continued access for those utility agencies. All other affected agencies have agreed to the closure or declined to comment.

**INTERESTED PARTY COMMENTS**

None received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR STREET 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 will provide necessary easements or relocation of equipment per utility agency requirements.

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 2, Policy 7 states that the design of all new and improved transportation facilities should be accessible and; 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. Provide walking and bicycling opportunities to enable activity centers to minimize single-occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling; Mobility Goal 3, Policy 2 seeks to improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers; Mobility Goal 3, Policy 3 to evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices; Mobility Goal 3, Policy 5 to evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality; and Mobility 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.

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:**

- Schedule for a public hearing before the next available Planning Commission

**NOTIFICATION**

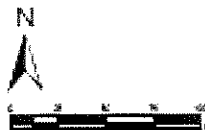
Date	Purpose of Notice	Recipients
8/25/2021	Hearing before LD&T	Registered Neighborhood Groups in Council District 4 First Tier Adjacent Property owners and residents for the closure area.

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph



1. Zoning Map



**21-STRCLOSURE-0023**

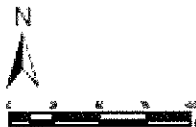


Tuesday, August 31, 2021 | 3:30:06 PM

LOJIC © 2021

This map is not a legal document and should only be used for general reference and identification.

2. Aerial Photograph



**21-STRCLOSURE-0023**



Tuesday, August 31, 2021 | 3:55:50 PM

LOJIC © 2021

This map is not a legal document and should only be used for general reference and identification.