

**PLANNING COMMISSION MINUTES
MAY 24, 2018**

PUBLIC HEARING

CASE NO. 17STREETS1011

Request:	Alley Closures
Project Name:	Payne Street Alley Closure
Location:	113 S. Charlton Street / 1801 Payne Street
Owner:	Right-of-Way
Applicant:	Louisville Paving Co.
Representative:	Nick Pregliasco – Bardenwerper, Talbott & Roberts PLLC
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander

Case Manager: **Joel Dock, Planner II**

Notice of this public hearing appeared in The Courier-Journal, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

01:07:00 Joel Dock presented the case and showed a brief Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 N. Hurstbourne Parkway, Louisville, KY 40223

Summary of testimony of those in favor:

01:08:47 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a brief Power Point presentation (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

Deliberation:

01:11:46 The Commissioners concur that the proposal is justified.

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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.

01:12:07 On a motion by Commissioner Peterson, seconded by Commissioner Carlson, the following resolution, based on the Comprehensive Plan and Cornerstone 2020, the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that adequate public facilities are available to serve existing and future needs of the community. The alleys in question have not been improved for public purposes and are currently used as a component of private development; and

WHEREAS, the Commission further finds that no objections to the proposed closures by utility agencies have noted; and

WHEREAS, the Commission further finds that 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

WHEREAS, the Commission further finds that the proposed closures are in compliance with the Goals, Objectives and Plan Elements of the Comprehensive Plan. The request to close multiple rights-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. The alleys in question have not been improved for public purposes and are currently used as a component of private development; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested closures of a 20' alley to the North of 1801 & 1829 Payne Street, and a 15' alley to the rear of 113 S. Charlton Street, on property described in the attached staff report and legal description, be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Howard, Carlson, Peterson, Ferguson, and Jarboe.

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NOT PRESENT: Commissioners Lewis, Tomes, and Smith.

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
April 12, 2018

NEW BUSINESS

CASE NO. 17STREETS1011

Request:	Alley Closures
Project Name:	Payne Street Alley Closure
Location:	113 South Charlton Street/1801 Payne Street
Owner:	Right-of-way
Applicant:	Louisville Paving Company
Representative:	Mindel, Scott, & Associates
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Joel Dock, Planner II

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:41:45 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223
Mike O'Leary, Clifton Community Council, 1963 Payne Street, Louisville, Ky. 40206

Summary of testimony of those in favor:

00:43:05 Mr. Pregliasco gave a power point presentation. Neither alley was used or improved. The property will be redeveloped for another use in the future.

00:46:37 Mr. O'Leary supports the staff report as well as the alley closures.

Deliberation

00:47:41 Planning Commission deliberation.

An audio/visual recording of the Land Development & Transportation Committee meeting 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.

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
April 12, 2018

NEW BUSINESS

CASE NO. 17STREETS1011

The Committee by general consensus placed this case on the May 24, 2018 public hearing at the Old Jail Building.