

Planning Commission
Staff Report
February 21, 2019



Case No:	18STREETS1025
Project Name:	Goodfellas Pizza Alley Closure
Location:	1250 E Broadway
Owner(s):	Louisville Metro
Applicant:	Long Construction Management
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- Closure of Public Right-of-Way

CASE SUMMARY/BACKGROUND

The applicant is proposing to close a portion of an alley located at 1250 E Broadway. The area proposed for closure is approximately 1,879 SF, and is associated with a proposed restaurant development currently being reviewed under docket 18DEVPLAN1214.

STAFF FINDING

The request is adequately justified and meets the standard of review.

TECHNICAL REVIEW

AT&T has equipment in the area of the closure and will require an easement to be recorded in order to maintain access. All other affected agencies have consented to the closure or have declined to comment.

INTERESTED PARTY COMMENTS

Staff has received comments from an interested neighbor wishing to ensure that the historic bricks in the alley will be saved. Other neighbors have expressed concerns about turning radii into the remaining alleys.

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. 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 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. 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.

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**

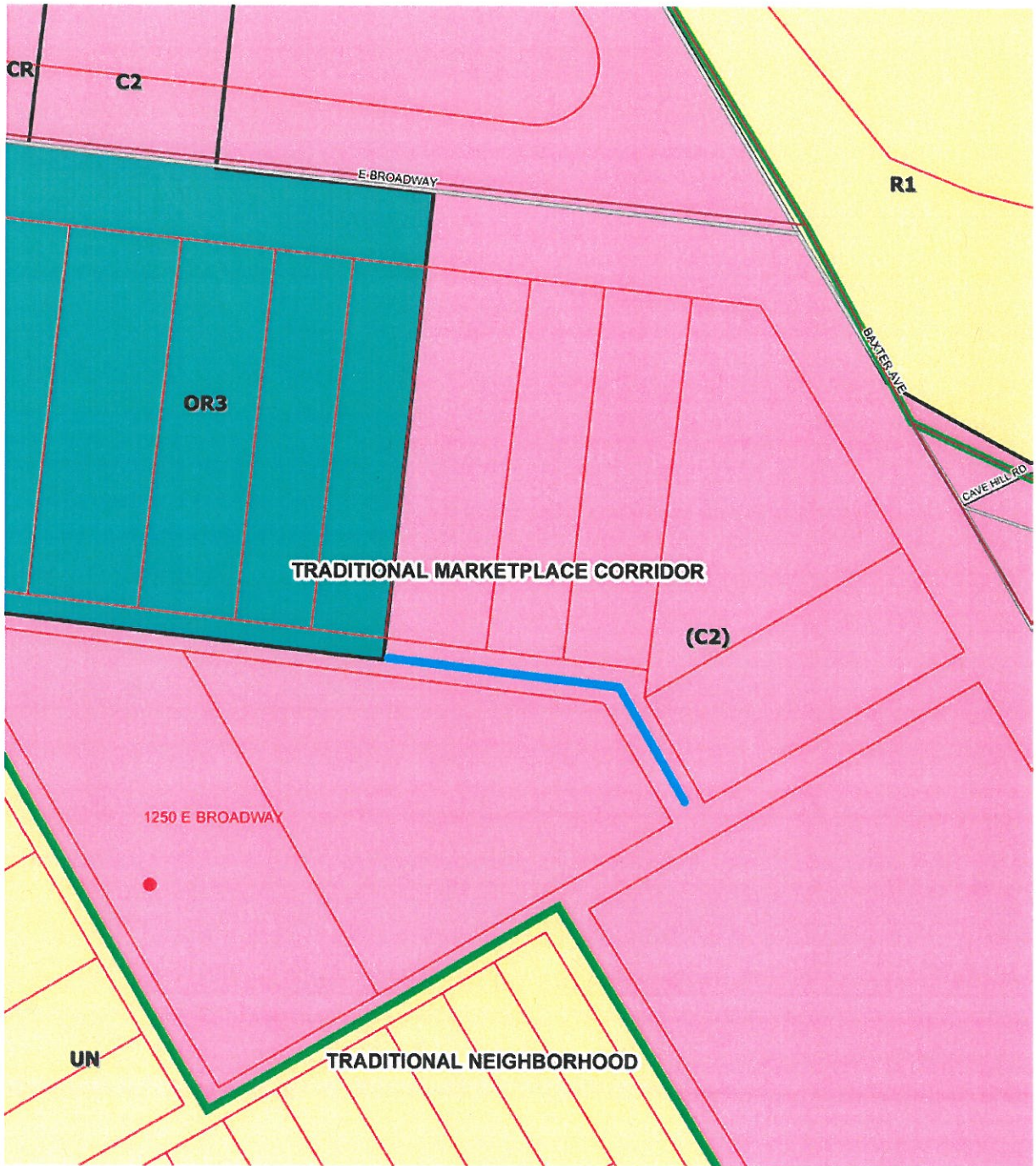
NOTIFICATION

Date	Purpose of Notice	Recipients
1-3-19	Hearing before LD&T	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 8
1-21-19	Hearing before Planning Commission	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 8

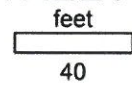
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Suggested Condition of Approval

1. Zoning Map



18STREETS1025

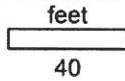


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2. Aerial Photograph



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3. **Suggested Conditions of Approval**

1. Prior to the recording of the street closure plat, the applicant will provide an easement for AT&T to maintain access to existing equipment located within the closure area. The easement shall be shown as "granted" on the final plat.

Land Development and Transportation Committee
Staff Report
January 17, 2019



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STAFF FINDING

The case is ready to be scheduled for a public hearing.

TECHNICAL REVIEW

AT&T has equipment in the area of the closure and will require an easement to be recorded in order to maintain access. All other affected agencies have consented to the closure or have declined to comment.

INTERESTED PARTY COMMENTS

Staff has received comments from an interested neighbor wishing to ensure that the historic bricks in the alley will be saved.

REQUIRED ACTIONS:

- **SCHEDULE the case for a PUBLIC HEARING**

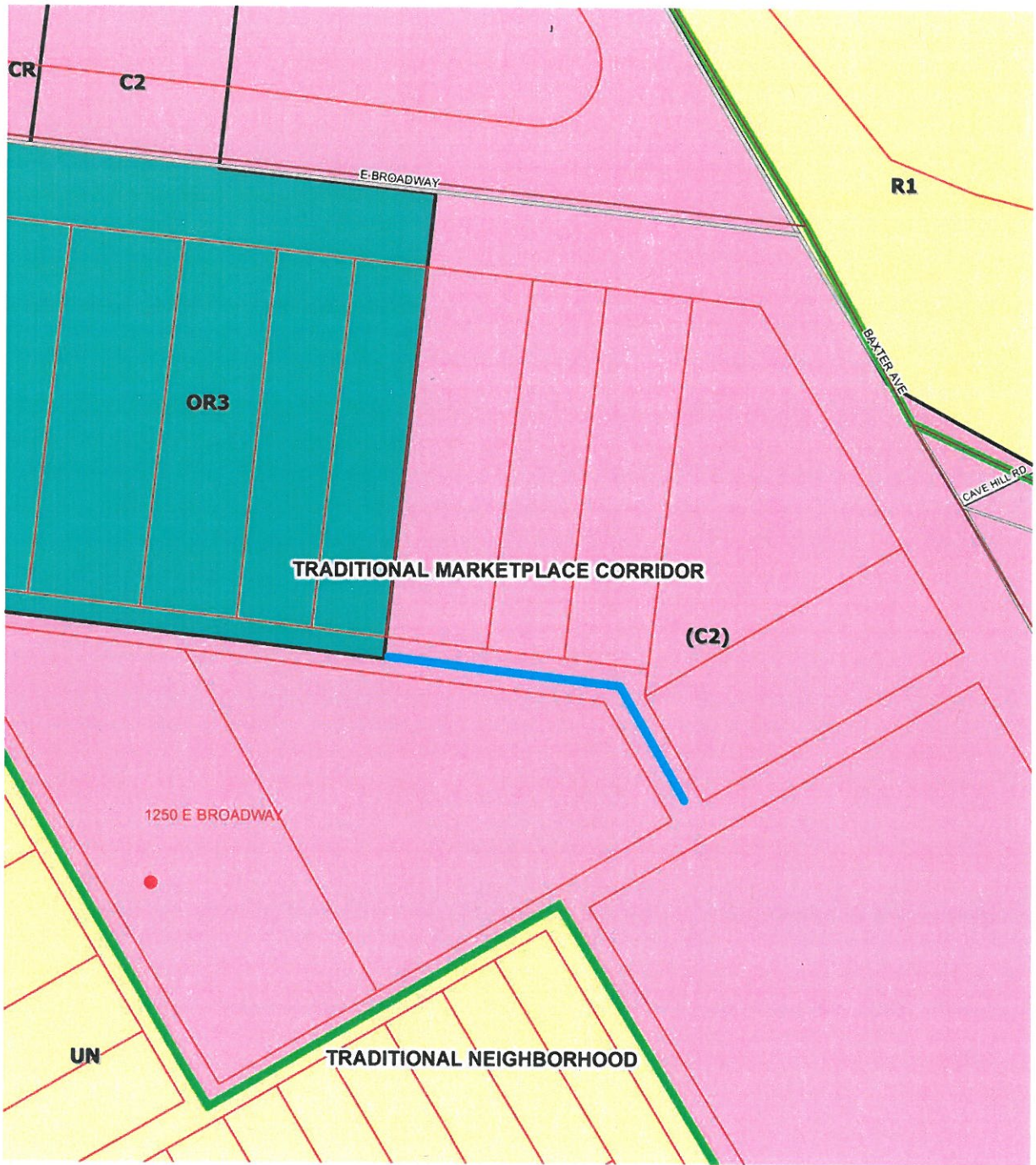
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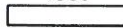
1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



18STREETS1025

feet



40

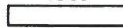
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2. Aerial Photograph



18STREETS1025

feet



40

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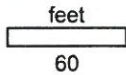
Closure of Public Right-of-Way Request

Pre-application analysis

Jay Lockett, Planner I

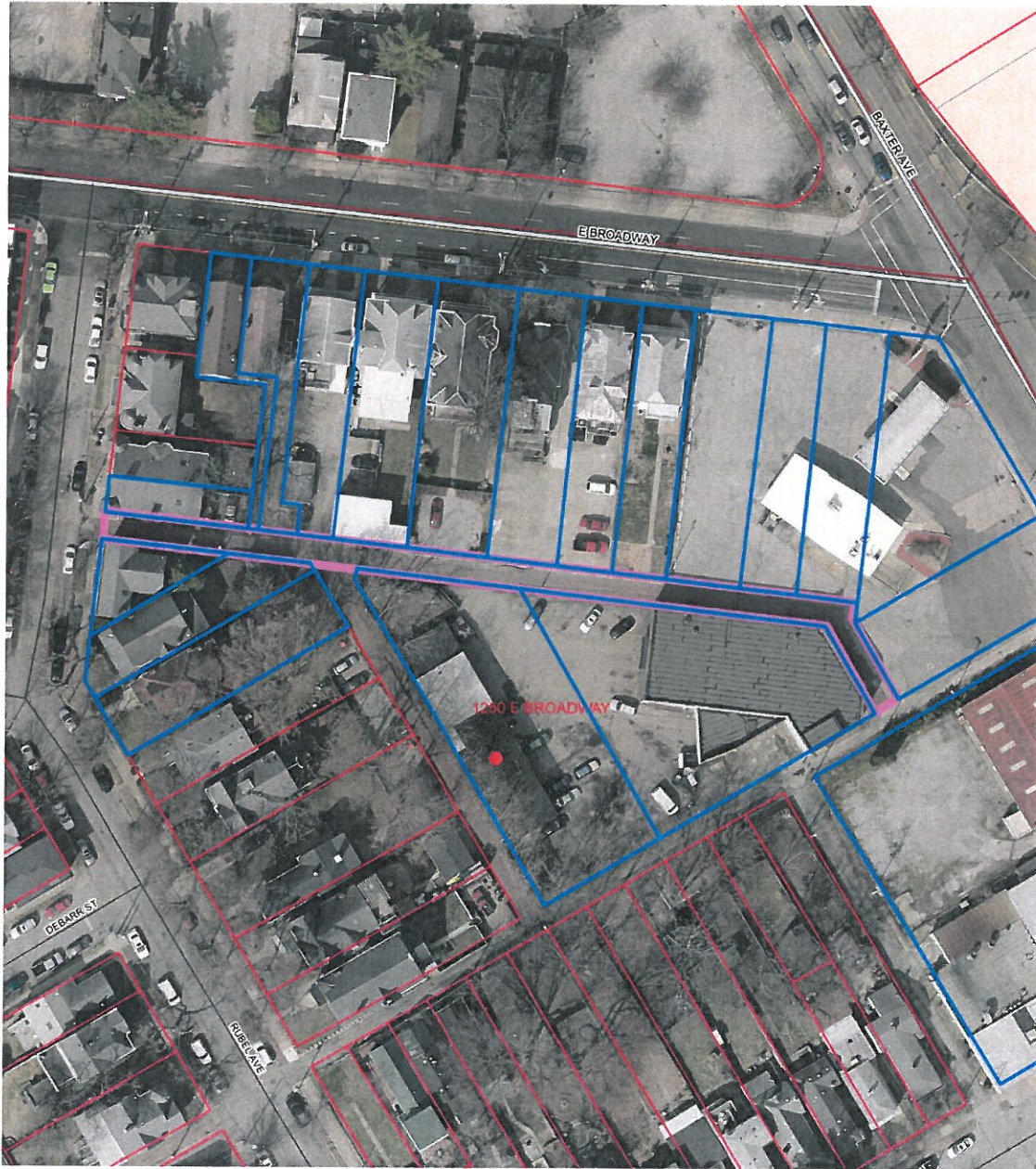


18STREETS1025 Closure Area

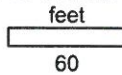


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Fig 1: Applicant has requested to close the area highlighted above



18STREETS1025 Notice Area

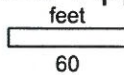


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Fig 2: Owners of all highlighted parcels in the figure above shall be sent notice of the filing of this request, as well any scheduled hearings on the case.



18STREETS1025 Applicant Frontage



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The applicant owns the parcels highlighted above, with a total frontage of approximately 418 ft. on the subject alley.

Conclusions: Per LDC 6.3.3.B, the applicant will need to get notarized consent from property owners representing 51% of total parcels or linear frontage for the alley, measured back to the nearest intersection (Rubel Ave). The applicant currently owns 7 parcels with a combined frontage of approximately 418 ft. The alley has 18 adjacent parcels with an approximate total frontage of 928 ft. 51% of the length would be a total of 473 ft. of frontage. The applicant can meet the requirements of this part by getting consent of parcel owners representing an additional 55 ft. of frontage along the alley. This consent must be acquired and presented in the form of signed and notarized forms at the time of formal application filing.