

PLANNING COMMISSION MINUTES
October 3, 2019

PUBLIC HEARING

CASE NO. 19STREETS1002

Request: Closure of Public Right-of-Way
Project Name: Churchill Downs South 4th Street
Location: 4th Street at Oakdale Avenue
Owner: William E. Mudd, AQ Properties LLC
Applicant: Ryan Jordan, Churchill Downs LLC
Representative: QK4
Jurisdiction: Louisville Metro
Council District: 15 – Kevin Triplett
Case Manager: Lacey Gabbard, AICP, Planner I

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

Agency Testimony:

00:11:27 Ms. Gabbard discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jon Baker, Wyatt, Tarrant and Combs, 500 West Jefferson Street, Suite 2800,
Louisville, Ky. 40202
Ryan Jordan, 700 Central Avenue, Louisville, Ky. 40208
Neal Crawford, 1046 East Chestnut Street, Louisville, Ky. 40204
Gene Bell, 3812 Southern Parkway, Louisville, Ky. 40214

Summary of testimony of those in favor:

00:13:56 Mr. Baker stated he supports the staff analysis and findings. There will be mitigating efforts to minimize the closure and some ideas were obtained from the residents themselves. Also after meeting with the residents, changes were made to the plan.

00:17:03 Mr. Jordan gave a power point presentation. Most traffic travels Central to get to Churchill Downs, so it won't be a problem with a portion of 4th St. being closed. Some of the improvements include decorative signage, landscaping and drainage

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detention basins. The closure is needed because another site/area is being developed for veterinarians to treat the horses.

00:26:45 Mr. Crawford continued the power point presentation. He discussed and summarized the traffic analysis and the underground detention basins (1/3 site). The intersection to be closed is dangerous. Commissioner Carlson had a question at the LD&T meeting regarding the turning radius coming from Southern Pkwy. and making a right hand turn to the front access road. The slide shows it is a tight turn, but feasible. Metro Public Works supports the proposed improvements.

00:44:49 Mr. Bell asked if there will be another fence built in the alley. He can't get in his garage without moving the fence. The applicant/representative said there's a temporary construction fence there now and a permanent one will be put in later, further away from the alley. Also, will there be enough parking? People are parking on Winn Ave. right now. The applicant/representative said when the project is completed, there will be no way to enter the stable so no reason to park in that area. Everyone will be directed to park in the new parking area.

00:54:52 Commissioner Carlson asked if the underground detention will definitely be built. The applicant/representative said yes. Also, will there be additional directional signage? The applicant/representative said yes.

00:57:13 Commissioner Howard asked if TARC uses the portion of 4th St. proposed to be closed. The applicant/representative said there's none on this portion, but there is one at 4th and Winn. Also, there was no comment from TARC.

00:58:11 Chair Jarboe asked, will there be parking on the side of Winn that has the sidewalk? Mr. Crawford said that's correct and it's for safety reasons.

The following spoke in opposition to this request:

Jessica Scott, 533 Denmark Street, Louisville, Ky. 40215
Jennifer Nunn, 1011 Carlisle Avenue, Louisville, Ky. 40215
Kathleen Helm, 4036 South 5th Street, Louisville, Ky. 40214

Summary of testimony of those in opposition:

00:59:17 Ms. Scott is a member of We Love Taylor Blvd., Why Not Wyandotte and a board member of the Oakdale Neighborhood Association. Ms. Scott stated the closure will negatively impact the neighborhood as it's very heavily travelled. The plan will add more traffic and reduce the routes available. Truck and trailer traffic will be increased as well, but Churchill Downs hasn't said by how much. The traffic study

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doesn't take into account the unforeseen growth in large vehicle traffic heading into this new regionally unprecedented facility. Another area of concern is the safety and traffic flow issue at the intersection of Southern Pkwy. and Winn Ave. There are also issues of equity to consider. Closing this road is not essential, just more convenient for Churchill Downs.

01:05:47 Ms. Nunn stated she represents the Coalition 'We Love Taylor Blvd.'. Allowing Churchill Downs to close this section of 4th St. is a land use issue that's in conflict with how the community wants the streets to be connected. Our community has participated in public planning processes with the Metro government leadership that has led to adopted ordinances and plans that are on the cities' books.

Ms. Nunn said she conducted a traffic study and witnessed over 200 pedestrians and bicyclists passing through intersections (high demand use areas) during peak hours. Churchill Down's development case number 19DEVPLAN1070 is supposed to be contingent upon approval of this closure, but they have already started building. This undermines the process. Churchill Downs takes more and more from the community investing in projects that is good only for their business.

01:10:13 Ms. Helm stated she's not against Churchill Downs expanding but it will negatively impact the neighborhood. There's no justification in this application to remove a street from the public's use. Street lane markings and correct signage would help to make the proposed intersection safe. If the street remains open, it will not impede Churchill Downs building their new facility, expansion or creating more jobs. It also has no effect on horses or trainers' accommodations. It simply is a luxury for the property owners. No alternatives have been proposed at any hearing or meeting.

01:16:10 Chair Jarboe asked why the pedestrians and bicyclists can't use the Oakdale thoroughfare as opposed to 4th St. Ms. Helm said the people shouldn't have to adapt to this change. Most choose 4th St. since it's the least travelled and Oakdale appears to be a narrower road.

The following spoke neither for nor against the request:

David Mulloy, MSD, 700 West Liberty Street, Louisville, Ky. 40203
George T. Payne Sr., 3804 Southern Parkway, Louisville, Ky. 40214 with translator
Kelly Peace, 1143 Castlerock Drive, Shepherdsville, Ky.

Summary of testimony of those neither for nor against:

00:43:56 Mr. Mulloy, MSD, stated the applicant has gone above and beyond mitigating the capacity and flooding issues. The detention basins will be monitored.

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00:50:24 Mr. Payne stated he supports the closure and wants to know how wide the alley will be. Mr. Payne said a major concern is the people taking shortcuts through his property and requests a fence with a gate. The applicant/representative said the alley width will remain the same. The proposal is to leave that area open (no fencing) for pedestrians and bicyclists. There will be more parking closer to the gate than what exists today. Mr. Payne said he may put up a sign that says no parking in the alley or no trespassing, just in case.

Rebuttal

01:19:04 Mr. Jordan stated part of the proposal also includes 6 truck queuing stations with the new security gate on Oakdale. There will be more space inside the gate so as to get the trucks off the street quicker.

01:19:50 Mr. Baker stated the proposal meets the guidelines and policies of the Comprehensive Plan 2040, most notably the Mobility plan element. Change is hard to accept but the plan will make the neighborhood and streets safer.

01:21:55 Chair Jarboe asked, can't you do all you plan to do with 4th St. staying open? Mr. Jordan answered, by closing the street, it will be a safer condition for people inside the property to move horses back and forth to the medical center and not have to stop traffic.

01:23:05 Commissioner Howard asked what will be put in place to indicate the road is closed. Mr. Jordan said the north end will have a curb, sidewalk and hard barrier. The other end will have a fence and signage.

Deliberation

01:24:11 Commissioner Brown stated he supports connectivity but the intersection at 4th and Oakdale is not safe. Even if Churchill Downs was not making any improvements, elimination of that intersection has a lot of value with very little impact to the surrounding network. Churchill Downs is not asking for anything out of the ordinary.

01:26:46 Commissioner Carlson stated the opposition has made a decent argument. The closure will help Churchill Downs but they bring a lot of income to the city.

01:28:15 Commissioner Peterson stated he's not unsympathetic to the neighbor's concerns but is in favor of the closure. The closure will help with safety issues and will help Churchill Downs to accomplish their needs.

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01:29:03 Commissioner Lewis stated she's in favor of safety for traffic and pedestrians regardless of who the applicant is in this case.

01:29:55 Commissioner Daniels stated she has traveled Longfield around Churchill Downs and it is a dangerous intersection. She supports the safety, improvements and jobs created.

01:30:50 Commissioner Tomes agrees that the geometry of these intersections are very bad. He supports the justification as well.

01:31:16 Commissioner Howard stated she has travelled 4th and Oakdale for years and it's not safe.

Commissioner Howard stated she understands citizens don't like change from routes used for years, however without the proposed closure, the improvements to the streets, sewer system and the new sidewalks will not be there for safe secure walkways and improved access.

01:32:30 Chair Jarboe stated safety changes are very beneficial. People will adjust to a new route.

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.

Closure of Public Right-of-Way

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Plan 2040 Staff Analysis and testimony heard today was adopted.

WHEREAS, 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. 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; and

WHEREAS, 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

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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; and

WHEREAS, the Louisville Metro Planning Commission finds, Plan 2040 calls for developments to be evaluated for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality. According to the applicant's traffic study, the requested closure does not result in a significant increase in traffic delays. The closure will remove the dangerous and unsafe intersection that currently exists at Oakdale Avenue and S 4th Street. Additionally, local access will still be provided via Oakdale Avenue, Southern Parkway, Winn Avenue, and the alley that connects S 4th Street and Oakdale Avenue. The applicant is also proposing improvements to Winn Avenue and the alley; and

WHEREAS, the Louisville Metro Planning Commission further finds there are no other relevant matters to be considered by the Planning Commission.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the closure of public right-of-way, **SUBJECT** to the following Conditions of Approval:

1. Improvements shall be made per the exhibits presented at today's meeting including changes to traffic control at the 4th, 5th and Longfield Ave. intersection and the 4th St. and Winn Ave. intersection, the additional sidewalk along the south side of Winn Ave. between 4th St. and Southern Pkwy., the addition of the cul-de-sac at the end of the 4th St. closure and conversion of that public vehicular alley to just a pedestrian and bike alley under the portion as described today.
2. Construction plans, bond and permit for those improvements are submitted as an application for review to Transportation Planning within 8 weeks from the date of this meeting, October 3, 2019.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Howard, Lewis, Peterson, Tomes and Jarboe

NOT PRESENT AND NOT VOTING: Commissioner Smith