

# Planning Commission Staff Report

October 19, 2017



<b>Case No:</b>	16STREETS1022
<b>Project Name:</b>	Southpointe Commons
<b>Location:</b>	Wingfield Road
<b>Owner(s):</b>	Louisville Metro
<b>Applicant:</b>	Investors Exchange Company, LLC
<b>Representative(s):</b>	Wyatt, Tarrant, & Combs, LLP – Jon Baker;
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	22 – Robin Engel
<b>Case Manager:</b>	Joel P. Dock, Planner II

## REQUEST(S)

- **Street Closure** of portion of Wingfield Road

## CASE SUMMARY

A street closure request is being made to close a portion of Wingfield Road, a connector roadway from Bardstown Road, and a North/South stub from Wingfield Road. The rights-of-way proposed for closure are located in the Southeast quadrant of Bardstown Road's intersection with Interstate-265. Three of the four abutting properties are consolidating lands of the Investors Exchange Company. The remaining parcel is owned by the Kentucky Retired Teachers Association. Upon the closure of these rights-of-way the land will be consolidated with the Investors Exchange property and developed for commercial uses.

## Associated Cases

- 11640: Rezoning from OR-3, R-5, & R-4 to C-2 & OR-1 on 45 acres (approved 5/20/2010)
- 17DEVPLAN1155: RDDDP on 24 acres encompassing the area of the proposed right-of-way closures (pending approval)

## STAFF FINDING

The applicant's representative should demonstrate to the commission that arrangements for utility access and maintenance will be provided for existing facilities. Otherwise, the proposed closure appears to be adequately justified and meets the standard of review based on the staff analysis in the staff report. Any cost associated with the closure of these rights-of-way will be the responsibility of the applicant or developer.

## **TECHNICAL REVIEW**

Fern Creek Fire District – The Fern Creek Fire district does not object to the proposed closure.

E-911/Metro Safe Addressing – E-911 does not object to the proposed closure.

AT&T – Prior to the September 22, 2017 request for comments, AT&T indicated the need for arrangements to be made to maintain access to facilities along Wingfield Road.

MSD – Arrangements should be made with MSD to provide easements for existing utilities.

Louisville Metro Health Department – The Department of Public Health and Wellness does not object to the proposed closure.

Louisville Gas & Electric – No comments have been received from LG&E

Louisville Water Company – Arrangements should be made with LWC to provide continued access to 4” and 8” mains alongside Wingfield Road

Louisville Metro Public Works – A revised plat is needed to shift the right-of-way to be closed 60’ west of the “Webb property.”

Historic Preservation – Historic Preservation staff does not object to the proposed closure.

TARC – TARC does not operate or maintain facilities on this roadway

Consent from all abutting property owners of the section of right-of-way to be closed has been received.

## **INTERESTED PARTY COMMENTS**

Councilman Robin Engel provided the following comment:

*“Please include for the record that I am in favor of the closing of Wingfield Road, with the understanding that the closure will not occur until the connection to Glenmary East is complete and residents of Wingfield Rd have an alternate access. The closure of Wingfield aids in the development of SouthPointe Commons, but more importantly will significantly improve safety in and around Bates Elementary”*

## **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. Any potential increase in demand on public facilities or services will be coordinated by the applicant and/or applicant's representative to ensure that facilities are maintained, easements provided, 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. 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: Utilities within or along the rights-of-way proposed for closure will be retained as an easement, relocated, or other arrangements made to ensure continued maintenance and provision of services to the property and community.

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; 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.

4. 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.

5. Other Matters – Any other matters which the Planning Commission may deem relevant and appropriate; and

STAFF: The development area encompassing the area of the right-of-way to be closed is subject to the binding elements of docket 11640. All future development will be in compliance with the binding elements and the approved plan, unless amended in accordance with policies and procedures of the Land Development Code.

**REQUIRED ACTIONS**

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Planning Commission must **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the street/alley closure as presented.

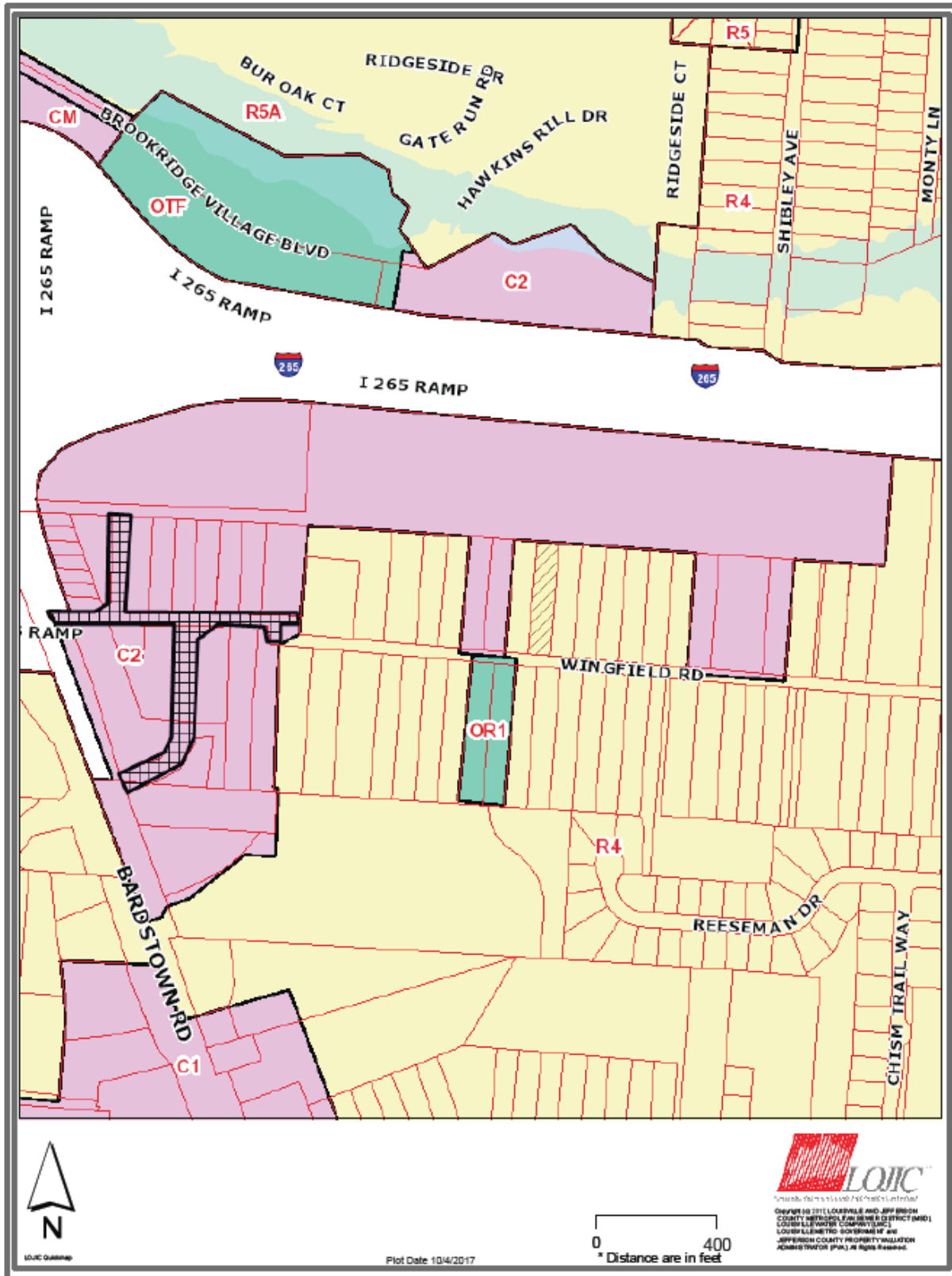
**NOTIFICATION**

Date	Purpose of Notice	Recipients
N/A - 100% consent	Meeting before PC	Adjoining property owners, applicant, representative, case manager, and neighborhood groups

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

