

**PLANNING COMMISSION MINUTES
MAY 24, 2018**

CONSENT AGENDA

CASE NO. 15STREETS1008

Request: Street/Alley Closure of an unnamed 6813 square-foot L-shaped alley
Project Name: Kindred Alley Closure
Location: North of the intersection of West Broadway and South Fourth Street
Owner: Louisville Metro
Applicant: John Thomas – Sabak, Wilson & Lingo, Inc.
Representative: Tim Martin – Frost Brown Todd
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith

Case Manager: Laura Mattingly, AICP, 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:

00:06:49 Laura Mattingly said she was available to answer any questions regarding the alley closure.

Deliberation

00:07:27 The Commissioners concur that the proposal is justified.

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.

Street/Alley Closure

00:07:48 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution, based on the Standard of Review and Staff Analysis, 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 proposed closure does not result in an increase in demand on public facilities or services as this is an unimproved piece of right of way and it does not appear that any existing utilities will be affected. No property

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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, the Commission further finds that, if any existing utilities within the right-of-way proposed for closure exist, they will be retained as an easement, relocated, or other arrangements made to ensure continued maintenance and provision of services to the property and community; 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, 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; and

WHEREAS, the Commission further finds that the request to close the right-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 right-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 are existing and will be unaffected by the proposed closure and will 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; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested Street/Alley Closure on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Howard, Carlson, Peterson, Ferguson, and Jarboe.
NOT PRESENT: Commissioners Lewis, Tomes, and Smith.

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
May 17, 2018

NEW BUSINESS

CASE NO. 15STREETS1008

Request: Street/Alley Closure of an unnamed 6813 square foot L-shaped alley
Project Name: Kindred Alley Closure
Location: North of the intersection of West Broadway and South 4th Street
Owner: City of Louisville
Applicant: John Thomas, Sabak, Wilson & Lingo, Inc
Representative: Tim Martin, Frost Brown Todd
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: **Laura Mattingly, AICP, Planner II**
Presented by: **Brian Davis, Planning and Design Manager**

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:

00:14:07 Mr. Davis discussed the Kindred alley closure (see staff report and recording for detailed presentation). It is in order.

The following spoke in favor of this request:

Timothy W. Martin, 400 West Market Street, Suite 3200, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:16:17 Mr. Martin stated he's here to answer questions.

Deliberation

00:17:00 Mr. Davis said this street closure has 100% consent and can be placed on the Consent Agenda for the Planning Commission meeting.

00:17:40 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
May 17, 2018

NEW BUSINESS

CASE NO. 15STREETS1008

On a motion by Commissioner Brown, seconded by Commissioner Ferguson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **SCHEDULE** this case for the Consent Agenda of the May 24, 2018 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Brown, Ferguson and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Peterson and Lewis