

**Planning Commission
Staff Report**
May 24, 2017



Case No:	15STREETS1008
Project Name:	Kindred Alley Closure
Location:	North of the intersection of W Broadway & S 4 th Street
Owner(s):	City of Louisville
Applicant:	John Thomas, Sabak, Wilson, & Lingo, Inc
Representative(s):	Tim Martin, Frost Brown Todd
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Laura Mattingly, AICP, Planner II

REQUEST(S)

- **Street/Alley Closure** of 16' wide unnamed alley and 20' wide unnamed alley with a total area of 6813 square feet located just north of the intersection of W Broadway and S 4th Street

CASE SUMMARY

The alley closure is being requested to allow a new office and restaurant on the Kindred Health Care site, located in downtown Louisville. The remaining alley to the north of the closure will be connected to S. 4th Street by a proposed alley on the north side of the proposed office/restaurant building. The closure has 100% signed consent from adjoining property owners.

Associated Cases

- 15DEVPLAN1060: Category 3 Development Plan for office/restaurant expansion. Approved 7/14/15.
- 15DDRO1001: Downtown Review Overlay for Kindred Campus redevelopment. Permit issued 3/16/15
- 15RECORDPLAT1007: Record plat to record dedication of Kindred Alley. PB 57, PG50.
- 15MINORPLAT1052: Consolidated 4 tracts into 1, create two tracts, and dedicated two alley rights-of-way.

STAFF FINDING

The request complies with the Land Development Code and the Comprehensive Plan. All adjacent property owners have signed notarized consent.

TECHNICAL REVIEW

Louisville Fire District – No objections.

E-911/Metro Safe Addressing – No objections.

AT&T – PDS staff has not received any formal comments.

MSD – Approved.

Louisville Metro Health Department – Approved.

Louisville Gas & Electric – No objections.

Louisville Water Company – No objections.

Louisville Metro Public Works – Approved.

Historic Preservation – No objections.

TARC – No objections.

INTERESTED PARTY COMMENTS

Staff has not received any comments regarding the street closure.

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 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 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: 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.

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, 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 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.

5. 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

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

NOTIFICATION

Date	Purpose of Notice	Recipients
NA	Meeting before LD&T	No notice sent, all adjacent properties consent

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph



Land Development and Transportation Committee
Staff Report
May 17, 2017



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STAFF FINDING

Staff finds that the proposal is in order to be heard at the full public hearing of the Planning Commission.

TECHNICAL REVIEW

Louisville Fire District – No objections.

E-911/Metro Safe Addressing – No objections.

AT&T – PDS staff has not received any formal comments.

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INTERESTED PARTY COMMENTS

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REQUIRED ACTIONS

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Land Development and Transportation Committee must decide whether this case is ready to be scheduled for a Planning Commission **PUBLIC HEARING, BUSINESS SESSION, or CONSENT AGENDA.**

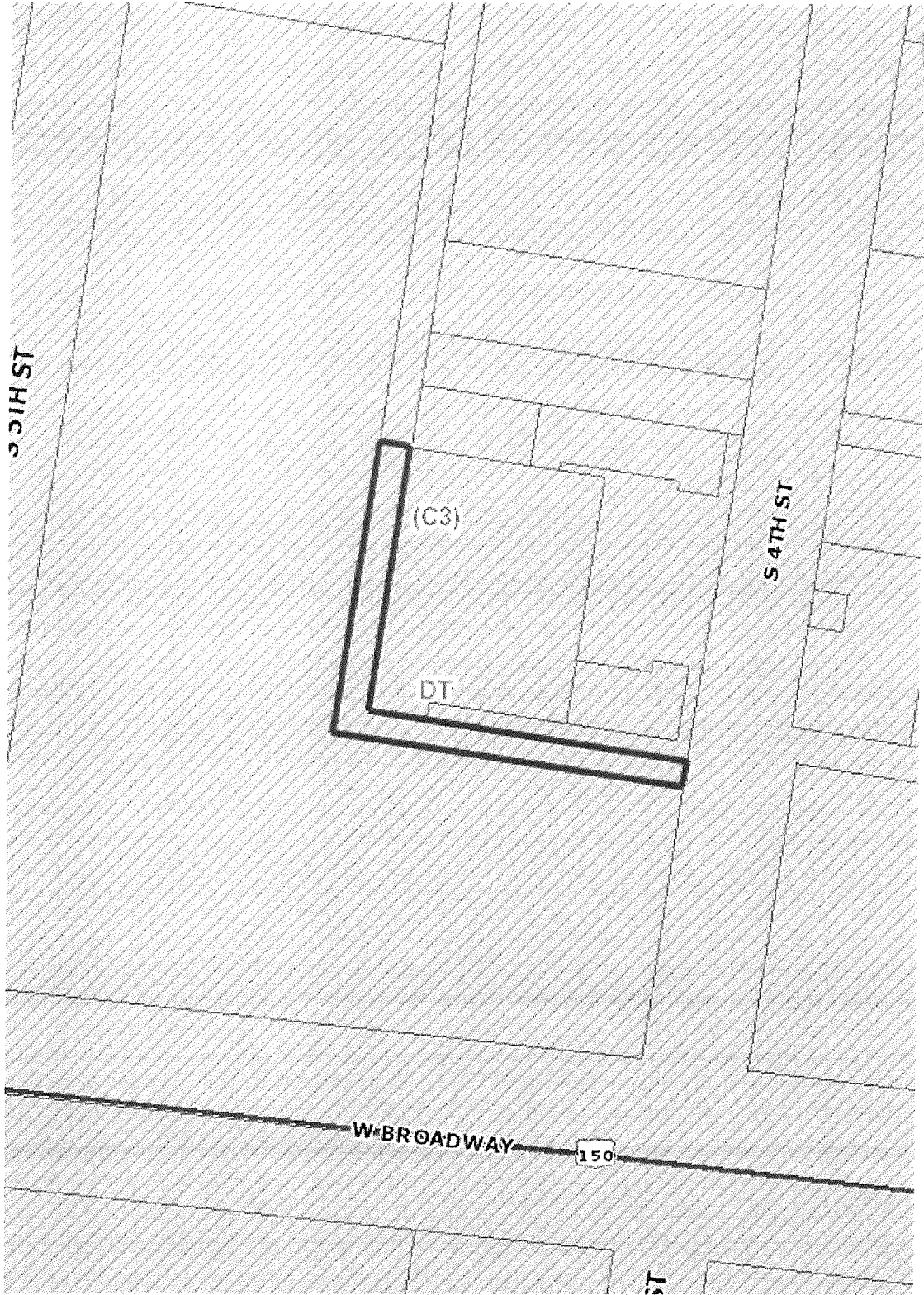
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