

**PLANNING COMMISSION MINUTES**  
**November 19, 2015**

**PUBLIC HEARING**

**CASE NO. 15STREETS1007**

Request: Partial Street Closure of Emery Road from Riedling Dr. to its southeast terminus at Oaklawn Subdivision

Project Name: Emery Road Street Closure

Location: 2900 Riedling Dr.

Owner: Louisville Metro

Applicant: Robin & Linda McAdams

Representative: Kathy Matheny

Jurisdiction: Louisville Metro

Council District: 9 – Bill Hollander

**Case Manager: David B. Wagner – Planner II (Presented by Brian Davis, AICP)**

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.)

**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.**

**Agency Testimony:**

**00:14:35** Brian Davis presented the case and showed a Powerpoint presentation (see recording and staff report for detailed presentation).

**The following spoke in favor of the request:**

Kathy Matheny, 9009 Preston Highway, Louisville, KY  
Robin McAdams, 2900 Riedling Drive, Louisville, KY

**PLANNING COMMISSION MINUTES**  
**November 19, 2015**

**PUBLIC HEARING**

**CASE NO. 15STREETS1007**

Anne McMillan, 2921 Riedling Drive, Louisville, KY

**Summary of testimony of those in favor:**

**00:19:10** Kathy Matheny spoke on behalf of the applicant. Ms. Matheny stated with her today are Robin and Linda McAdams who purchased the property a couple of years ago not knowing that the driveway was not on their property. Ms. Matheny stated this all started because the McAdams' just want to put a garage up and that's when they realized the driveway was over the line, and today they just want the partial closure so they can continue with that (see recording for detailed presentation).

**00:20:40** Robin McAdams stated they are not changing anything and they have been maintaining that whole driveway area and the community has been maintaining that pocket park for decades.

**00:21:58** Commissioner Brown stated these are illegal encroachments, they have structures in the public right of way that somebody could get hurt on and ultimately the city is liable, so if they're going through the process he's going to recommend they either fully close it to the right of way so it reverts back to the property owners or they deed it over to the association, they remove the obstructions or they enter into a license agreement so that Metro Government isn't liable should something happen because of the illegal encroachments.

**00:23:44** Kathy Matheny stated all her clients want to do right now is get their driveway. She stated if somebody wants to work something out, which would take much more than what the Planning Commission needs to decide; this has been here for twenty years.

**00:24:23** Vice Chair Proffitt asked if it would be appropriate to fashion the verbiage for the proposal to close that portion of the right of way that encompasses the residents' driveway only and stated such.

**00:24:37** Kathy Matheny said yes.

**00:24:51** Vice Chair Proffit asked Brian Davis if that was satisfactory with staff to create that kind of language.

**00:24:56** Brian Davis said yes.

**00:25:12** Anne McMillan stated she is against the idea that there be a total closure, however, she is absolutely in support of a partial closure encompassing the driveway as has been represented.

**PLANNING COMMISSION MINUTES**  
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**CASE NO. 15STREETS1007**

**00:25:55**      **Commissioners' deliberation**

**00:29:21**      On a motion by Commissioner Jarboe, seconded by Commissioner Tomes, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that adequate public facilities will be maintained as the area of closure and adjoining property will be consolidated into one lot. The right-of-way is unimproved and will never be extended through an existing subdivision, and

**WHEREAS**, the Commission further finds that any utility access necessary within the right of way to be closed will be maintained by agreement with the utilities, and

**WHEREAS**, the Commission further finds that the applicant will provide for the improvements, and

**WHEREAS**, the Commission further finds that the closure complies with the Goals, Objectives and Plan Elements of the Comprehensive Plan found in Guideline 7 (Circulation) and Guideline 8 (Transportation Facility Design). The physical improvements necessary for the closure will be completed by the applicant. The closure will allow for the consolidation of the property with adjoining parcels. A subdivision has been built to the southeast so the street will never be continued in that direction and the street is an unimproved right-of-way. Therefore, no adverse impacts on nearby communities will occur and the proposal will provide for an appropriate functional hierarchy of streets for the surrounding areas, and

**WHEREAS**, the Commission further finds that there are no other relevant matters; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission in Case Number 15STREETS1007 does hereby **APPROVE** the Partial Street Closure of Emery Road from Riedling Drive to its southeast terminus at Oaklawn Subdivision, based on the testimony heard today and the staff report.