

Planning Commission
Staff Report
October 5, 2017



Case No:	17STREETS1012
Project Name:	Churchill Downs
Location:	South of Central Ave., East of Taylor Blvd., & North of Longfield Ave.
Owner(s):	City of Louisville; Churchill Downs, Inc.; & AQ properties LLC
Applicant:	Churchill Downs, Inc.
Representative(s):	Wyatt, Tarrant, & Combs, LLP – Jon Baker
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	Joel P. Dock, Planner II

REQUEST(S)

- **Street/Alley Closure** of Racine, Bohannon, Warren & Oleanda Avenue; S. 9th Street; Homeview Drive; and seven unnamed alleys

CASE SUMMARY

Multiple streets and alleys South of Central Avenue are requested to be closed to allow for the expansion and improvement of parking facilities for Churchill Downs.

Associated Cases

- 17VARIANCE1036: Variance and waiver for parking lot expansion improvements (approved 7/17/17).
- 17NONCONFORM1020: Expansion of nonconforming rights allowed by KRS 100.253(2) (approved 7/17/17)

These cases were conditionally approved pending the approval of the street/alley closure request.

STAFF FINDING

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. Adequate public facilities are available to serve existing and future needs of the community. Any facility or service required to be placed in an easement or relocated will be done so by the developer, unless other arrangements have been agreed upon for the continued maintenance of facilities. Transportation and utility infrastructure will be provided to accommodate continued public access and service to adjacent residential properties.

TECHNICAL REVIEW

Louisville Fire District – The Louisville Fire District does not object to the proposed street/alley closure.

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

AT&T – AT&T does not object to the proposed street/alley closure.

MSD – MSD does not object to the proposed street/alley closure.

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

Louisville Gas & Electric – A draft of a gas easement has been provided by the applicant. Several attempts have been made by Planning and Design Services staff to gather input from LG&E and each attempt has been followed by no response. The last attempt to obtain comment from LG&E was made on September 27, 2017.

Louisville Water Company – Planning and Design Services staff last received comment from LWC on September 5, 2017. The applicant will do what is necessary to satisfy LWC, whether that is providing easements or private maintenance as previously discussed in the LD&T staff report.

Louisville Metro Public Works – DPW/Transportation Planning staff does not object to the proposed street/alley closure.

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

TARC – TARC does not object to the proposed street/alley closure.

Right-of-way and private access easement will be provided South of Racine Avenue from Taylor Boulevard to Bohannon Avenue as indicated at LD&T and as provided on a plat submitted to Planning and Design Services on September 25, 2017. Right-of-way will also be provided West of Warren Avenue as submitted on a plat submitted on September 25, 2017.

INTERESTED PARTY COMMENTS

Following the LD&T meeting staff received comments that the rights-of-way proposed for closure had been blocked by construction and/or silt fencing. At the time of the sign posting/site visit on September 20, 2017 staff observed possible blockings of these rights-of-way as well. After each occurrence, staff immediately notified the applicant's representative. As indicated in the record of the case file, the representative advised the applicant to double-check and correct the work.

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 closures do not result in an increase in demand on public facilities or services as utility agencies have coordinated with the applicant and/or applicant's representative and Planning and Design Services staff to ensure that facilities are maintained 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 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: 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 Louisville Metro Council **APPROVE** or **DENY** the street/alley closure as presented.

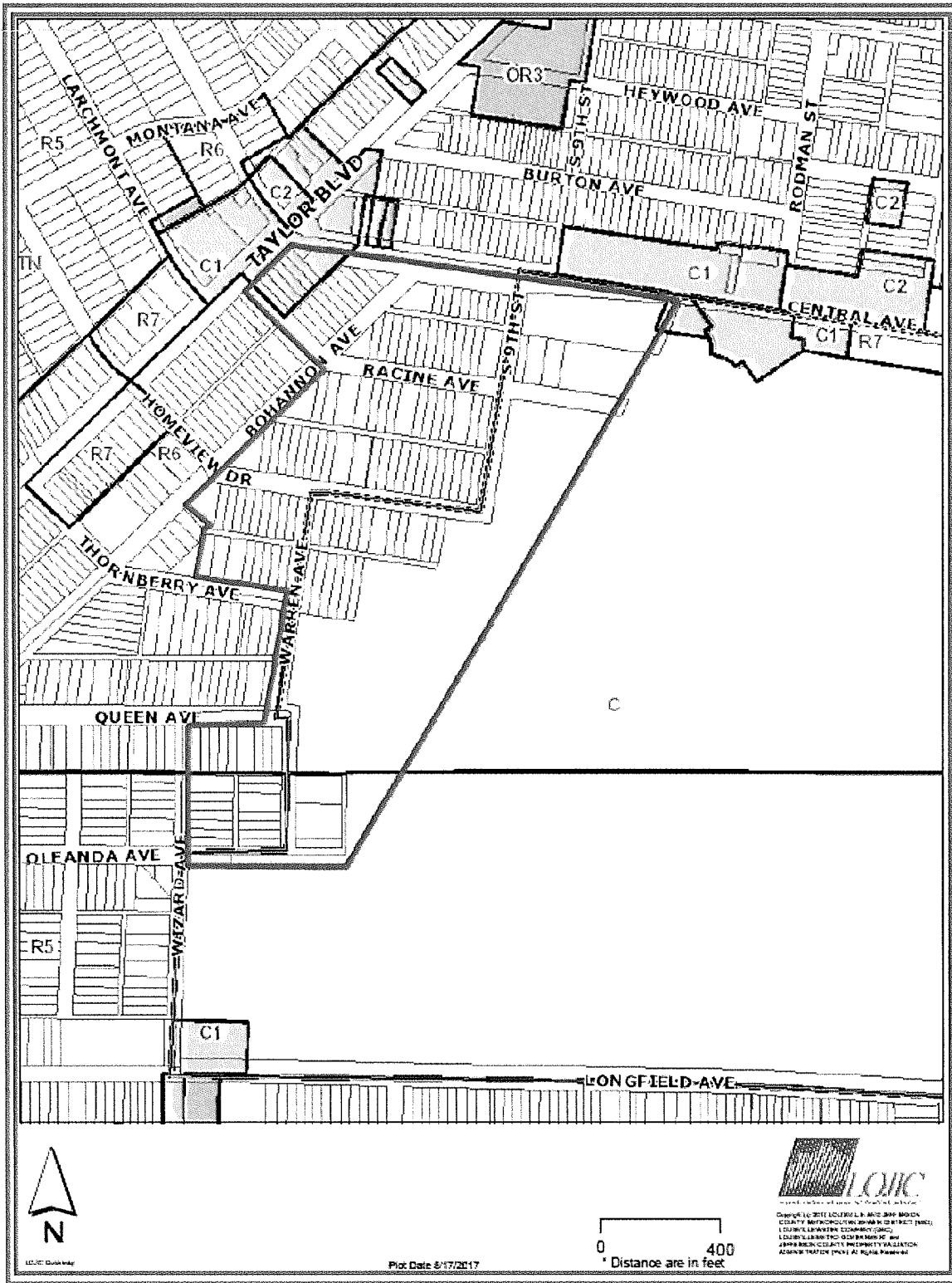
NOTIFICATION

Date	Purpose of Notice	Recipients
8/8/17	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 15
8/31/17	Hearing before PC	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 15
9/21/17	Hearing before PC	Sign Posting on property
9/25/17	Hearing before PC	Legal Advertisement in the Courier-Journal

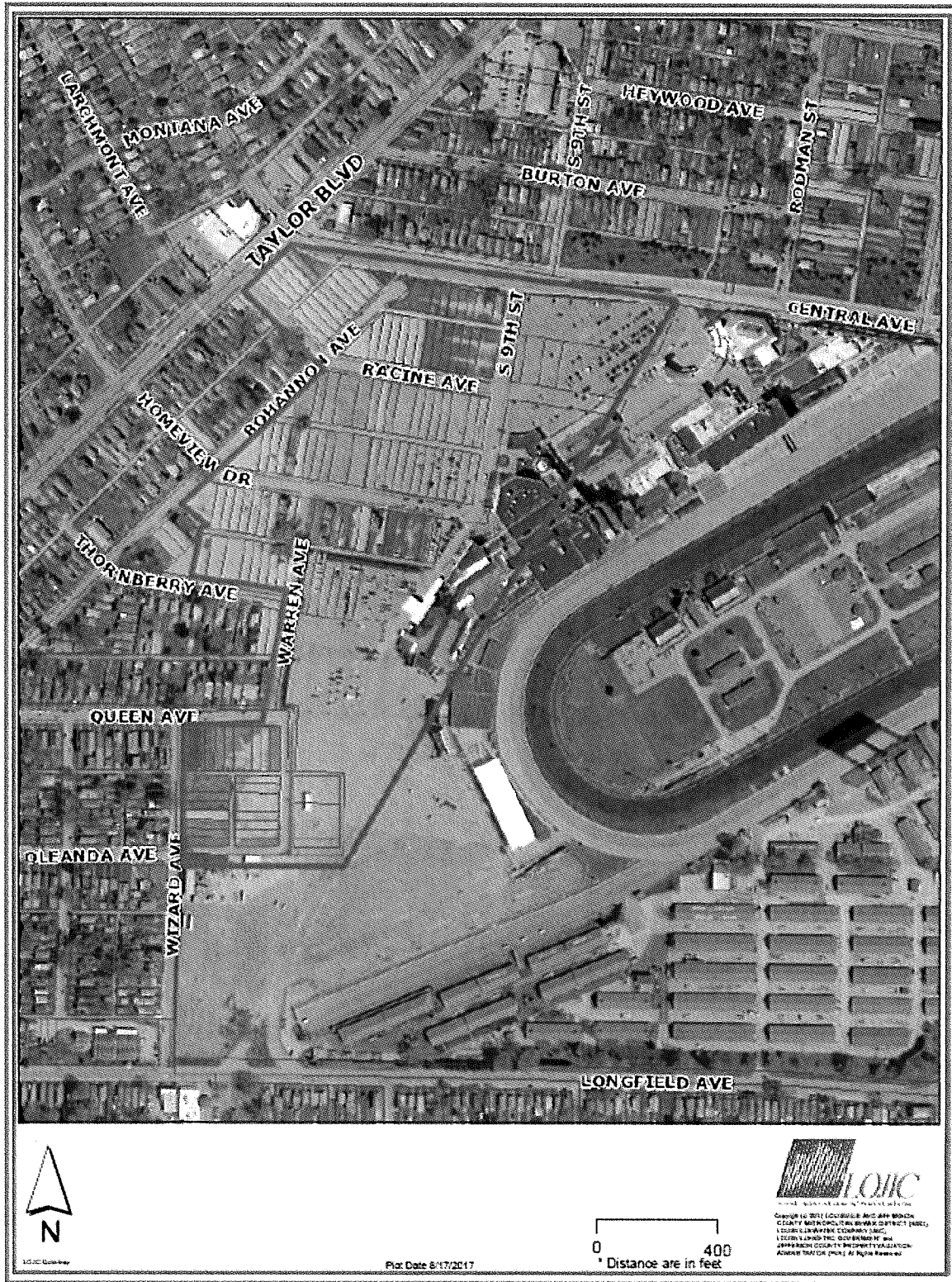
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph



Oct. 5th
30 day
Notice

Land Development and Transportation Committee
Staff Report
August 24, 2017



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These cases were conditionally approved pending the approval of the street/alley closure request.

STAFF FINDING

The applicant and/or representative will need to demonstrate to the Land Development and Transportation Committee that all utility agency concerns have been satisfied or will be satisfied prior to the public hearing and recording of the street closure plat. At the time of the writing of this staff report the applicant's representative was coordinating approvals for easements and/or the relocation of services for multiple agencies. The applicant will need to further demonstrate to the satisfaction of E-911/Metrosafe and the Planning Commission that the lots abutting the proposed rights-of-way to be closed will be consolidated at a later date and that public safety will not be adversely impacted as a result of temporarily land-locking these parcels.

E-911
Good
-PDS
Good ✓

TECHNICAL REVIEW

✓ Louisville Fire District – No objections.

✓ E-911/Metro Safe Addressing – No objections pending a resolution for the consolidation of lots. *Resolved*

*Follow-up
9/5
email*

AT&T – PDS staff has not received any formal comments. The applicant is coordinating with AT&T to provide any necessary easements to maintain access to infrastructure or the relocation of services (per conversation with the applicant's representative on 8/17/17).

✓ MSD – No objections pending the granting of easements to maintain access to infrastructure and the relocation of a sewer line (per conversation with the applicant's representative on 8/17/17).

- Email follow-up - 9/5 email

← Louisville Metro Health Department – Denied until such time as mosquito mitigation plan is approved. The applicant is currently coordinating this plan. *→ Applicant has sent material - PDS copied*

*follow-up
9/5
email*

Louisville Gas & Electric – PDS staff has not received any formal comments. The applicant has coordinated with LG&E to provide necessary easements to maintain access to infrastructure (per conversation with the applicant's representative on 8/17/17).

*Follow-up
9/5
email*

Louisville Water Company – No objections pending access to infrastructure or Churchill Down's private maintenance of water lines (per conversation with the applicant's representative on 8/17/17).

✓ Louisville Metro Public Works – No objections pending future dedication of right-of-way for alley South of existing Racine Avenue and West of Warren Avenue.

✓ Historic Preservation – PDS staff hasn't received any formal comments.

*8/23
No Concerns*

✓ TARC – No objections.

*No
Concerns
- see
Post-it*

All lots must abut or have access to a public or private street. The lots are not proposed to be consolidated prior to the recoding of the street closure. The applicant will need to demonstrate to the satisfaction of E-911/MetroSafe and the Planning Commission that the lots will be consolidated at a later date and that public safety will not be adversely impacted.

Drafts of easements required by utility agencies and/or any agreements reached for the relocation of services should be provided to Planning and Design Services staff for incorporation into the record.

- Staff also needs approval from these agencies confirming applicant's proposals

INTERESTED PARTY COMMENTS

Inquiries have been made by several individuals with respect to the closure of Racine Avenue. The consensus among these individuals was a request that the proposed alley South of existing Racine Avenue be extended to Taylor Boulevard. The reason for this request was made to allow continued

access to their properties from Taylor Boulevard to the alley at the rear of properties with frontage on Bohannon Avenue and Taylor Boulevard, especially on Oaks, Derby, and for night racing.

Additional comments were made concerning the temporary closure of Homeview Drive and Thornberry Avenue on Oaks and Derby, but these concerns appeared to be alleviated if the extension to the aforementioned alley is made to Taylor Boulevard.

Notice was provided to individuals who spoke to Planning and Design Services Staff and requested to be notified of public meetings.

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.**

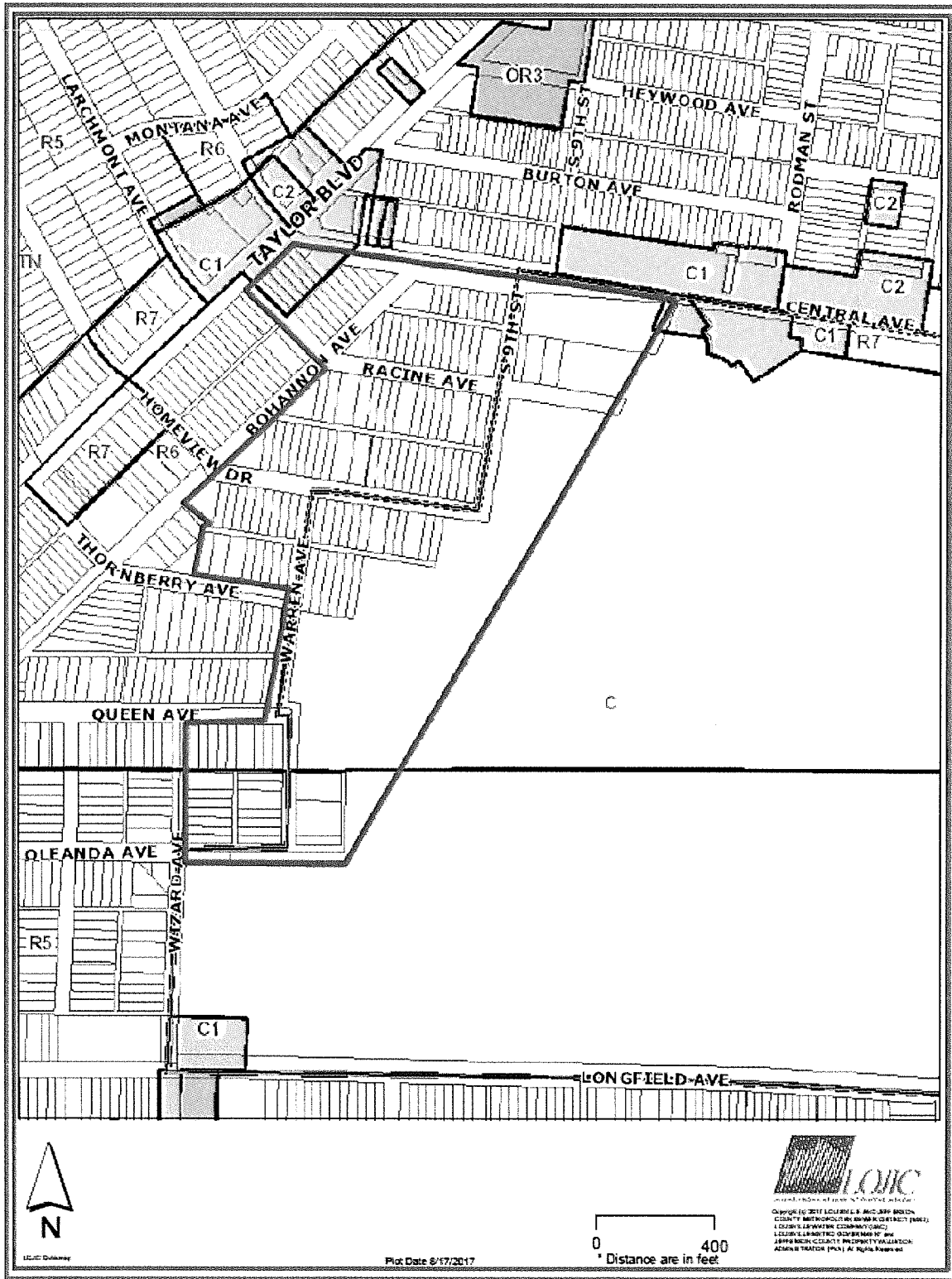
NOTIFICATION

Date	Purpose of Notice	Recipients
8/8/17	Meeting before LD&T	Adjoining property owners, applicant, representative, case manager, and neighborhood groups (notice was same as provided in case 17VARIANCE1036)

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

