

**Planning Commission
Staff Report**
May 7, 2015



Case No:	15STREETS1001
Request:	Closure of the 10' wide alley bounded by Garvin Pl., W. Oak St., S. 4 th St., and a 20' wide alley
Project Name:	Unnamed Alley Closure
Location:	1200-1212 S. 4 th St. & 412 W. Oak St.
Owner:	Louisville Metro
Applicant:	Joseph Impellizzeri
Representative:	Willett & Associates Land Surveying
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	David B. Wagner – Planner II

REQUEST

- Closure of the 10' wide alley bounded by Garvin Pl., W. Oak St., S. 4th St., and a 20' wide alley

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to close the 10' wide alley identified above for private use of the property. It is an old right-of-way (ROW) that was never improved by Louisville Metro and the adjoining property owners have placed some improvements within the area. The closure area will be consolidated with parcels on the east side of the alley, resolving the problem of private improvements within a public ROW.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Right-of-Way	TNzd	TN
Proposed	Private Property	TNzd	TN
<i>Surrounding Properties</i>			
North	Street	TNzd	TN
South	Alley	TNzd	TN
East	Office, Retail	TNzd	TN
West	Restaurant	TNzd	TN

PREVIOUS CASES ON SITE

- Staff did not find any previous cases on the site.

INTERESTED PARTY COMMENTS

- Staff has not received comments from any interested parties.

APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code

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.

STAFF: Adequate public facilities will be maintained as the area of closure and adjoining properties will be consolidated. The area of closure was never improved and never a part of the grid pattern of streets.

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.

STAFF: Any utility access necessary within the right of way to be closed will be maintained by agreement with the utilities.

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.

STAFF: The applicant will provide for any necessary improvements.

4. Comprehensive Plan – The extent to which the proposed closure is in compliance with the Goals, Objectives and Plan Elements of the Comprehensive Plan.

STAFF: The closure complies with the Goals, Objectives and Plan Elements of the Comprehensive Plan found in Guideline 1 (Community Form), Guideline 7 (Circulation) and Guideline 8 (Transportation Facility Design). Any physical improvements necessary will be provided by the applicant. The area of closure will be consolidated with adjoining properties and since the alley was never improved, it will not affect the street grid pattern in the area.

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

STAFF: There are no other relevant matters.

TECHNICAL REVIEW

Louisville Fire District – No Comments Received

E-911/Metro Safe Addressing – **Approved**

AT&T – **No Comments Received**

MSD – **Approved**

Louisville Metro Health Department – **Approved**

Louisville Gas & Electric – **Approved**

Louisville Water Company – **Approved**

Louisville Metro Transportation Review – **Approved**

Historic Preservation – **Approved**

TARC – **No Comments Received**

STAFF CONCLUSIONS

The proposal meets or exceeds all applicable items of the comprehensive plan in regards to the Traditional Neighborhood Form District. The area of closure will be consolidated with adjoining lots. The functional hierarchy of streets will not be affected.

Required Actions

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Planning Commission must **RECOMMEND** Louisville Metro Council **APPROVE** or **DENY** this proposal.

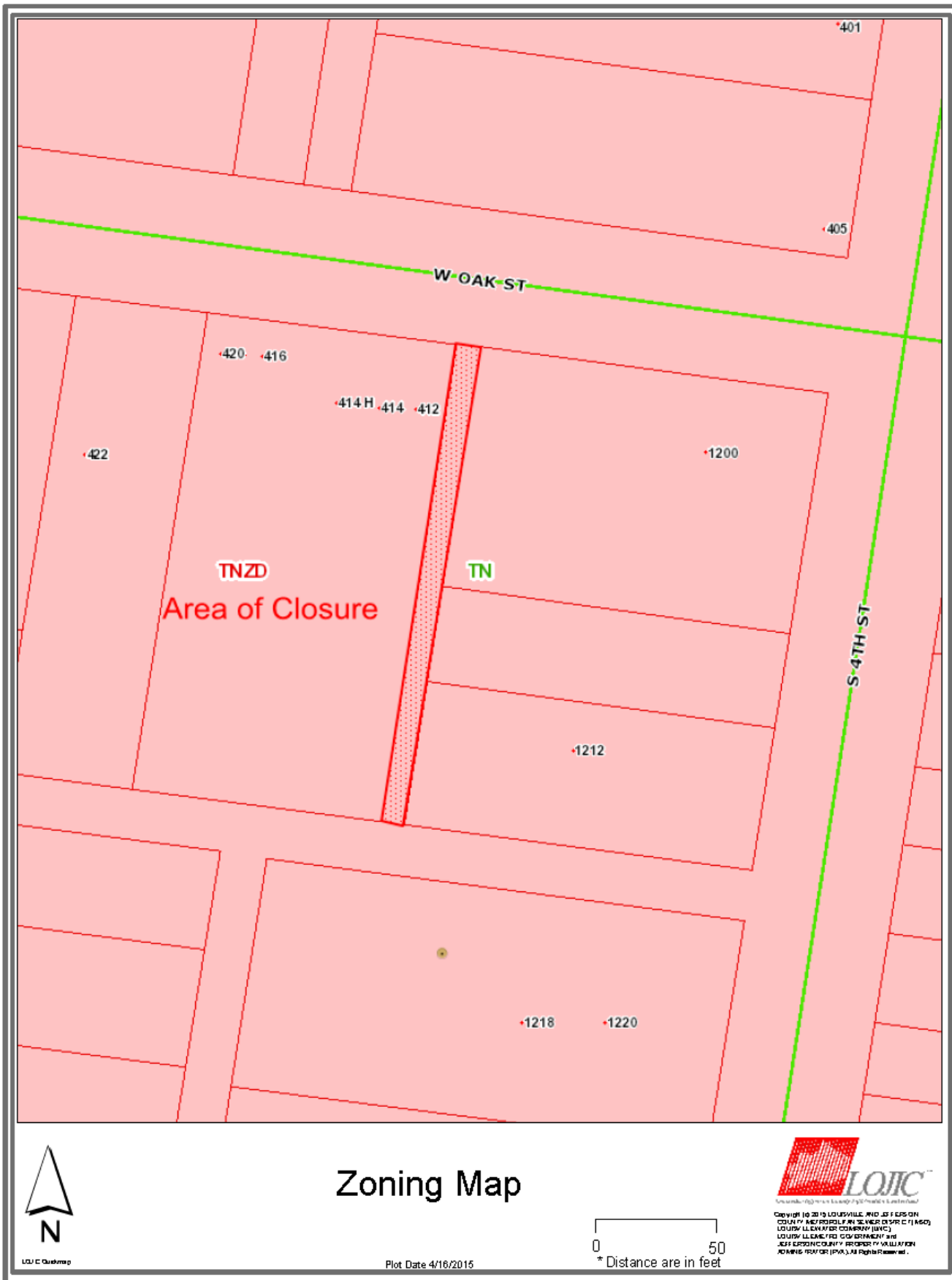
NOTIFICATION

Date	Purpose of Notice	Recipients
4/11/15	Meeting before LD&T	1 st tier adjoining property owners Subscribers to Council District 6 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist

1. Zoning Map



2. Aerial Photo



3. Cornerstone 2020 Staff Checklist

- + Exceeds Guideline
- √ Meets Guideline
- +/- More Information Needed
- Does Not Meet Guideline
- NA Not Applicable

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	√	Since the ROW has never been improved by public agencies, the area has never been used as ROW. Therefore, the proposal preserves the existing grid pattern of streets.
37	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	√	The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities.
45	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	√	Since the ROW has never been improved by public agencies, the area has never been used as ROW. Therefore, the proposal preserves the existing grid pattern of streets.