

**Planning Commission**  
**Staff Report**  
April 19, 2018



<b>Case No:</b>	18STREETS1006
<b>Project Name:</b>	N 26 <sup>th</sup> St Closure
<b>Location:</b>	N 26 <sup>th</sup> Street north of I-64
<b>Owner(s):</b>	Louisville Metro
<b>Applicant:</b>	Louisville Metro Public Works
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	5 – Cheri Bryant Hamilton
<b>Case Manager:</b>	Jay Lockett, Planner I

**REQUEST(S)**

- Closure of Public Right-of-Way

**CASE SUMMARY/BACKGROUND**

The applicant is proposing to close a portion of N 26<sup>th</sup> St and another unnamed Right-of-Way. The ROW in question is largely abandoned and unimproved, and lies within Lannan Memorial Park in the Portland neighborhood. The closure is being requested in order to accommodate the proposed Portland Combined Sewer Overflow basin, part of the larger Portland Green Infrastructure Project by the Metropolitan Sewer District.

**STAFF FINDING**

The street closure request is adequately justified and meets the standard of review.

**TECHNICAL REVIEW**

All relevant utility and governmental agencies have been properly notified per Land Development Code requirements. None have raised any objections to the closure, although Louisville Water Company will require an easement if any portion of their existing equipment is no longer in the ROW after closure.

**INTERESTED PARTY COMMENTS**

Staff has received no interested party comments concerning this request.

**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. 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.

3. 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.

4. 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:**

- **RECOMMEND** that Louisville Metro Council **APPROVE** or **DENY** the closure request.

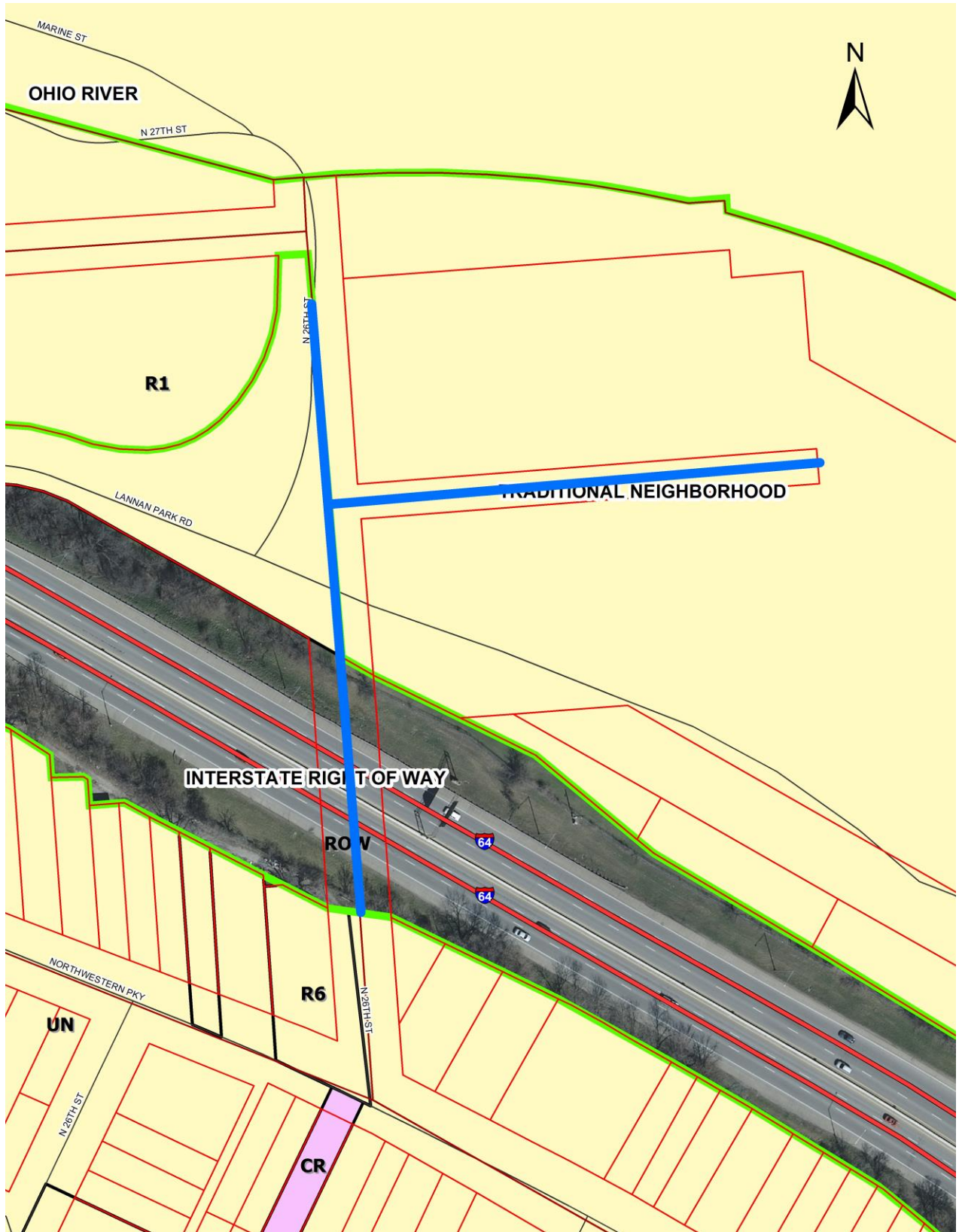
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>2-26-18</b>	Hearing before LD&T	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 5
<b>3-15-18</b>	Hearing before Planning Commission	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 5

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**





2. **Aerial Photograph**

