

**MINUTES OF THE MEETING  
OF THE  
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

**April 10, 2014**

**New Cases**

**Case No. 18175**

<b>Case No:</b>	18175
<b>Project Name:</b>	Alley Closure for Expressway Church of Christ
<b>Location:</b>	4437 South 6 <sup>th</sup> Street
<b>Owner:</b>	Louisville Metro
<b>Applicant:</b>	Expressway Church of Christ
<b>Representative:</b>	Expressway Church of Christ
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	15 – Marianne Butler

**Case Manager:** David B. Wagner, Planner II

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**Request:**

Alley Closure for the alley in the block bounded by Florence Avenue, South 5<sup>th</sup> Street, Expressway Avenue, and South 6<sup>th</sup> Street.

**The following spoke on behalf of Case No. 18175:**

Jayne Burden, representing Expressway Church of Christ, 4437 South 6<sup>th</sup> Street, Louisville, KY

Susan Hughes, legislative aide to Councilwoman Marianne Butler, 601 West Jefferson Street, Louisville, KY 40202

**DISCUSSION:**

David Wagner presented the case (see staff report for detailed presentation.) He said the unimproved alley has trees on it. He said the request has been approved by all other relevant agencies except for LG&E. There are properties adjoining the site that would need to grant easements to LG&E, because there is infrastructure in the alley. He said that, because there is not 100% adjoining property owner consent to the closure, this case will have to go before the Planning Commission for a public hearing after the easement agreements have

**MINUTES OF THE MEETING  
OF THE  
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

**April 10, 2014**

**New Cases**

**Case No. 18175**

been received from LG&E. When those have been received a public hearing date can be set.

Commissioner Jarboe asked what the reason was for the lack of consent. Jayme Burden, representing Expressway Church of Christ, said that the LG&E agreement obligates residents to remain financially responsible if there was something wrong with the infrastructure on/in that easement area that needed to be fixed. Because of this, two of the property owners have refused to sign anything. Commissioner Jarboe asked if there was a time limit on residents' liability for paying for repairs. Mr. Burden said there did not appear to be any limit. Commissioner Brown asked if LG&E would be open to modifying the language in the easement agreement. Mr. Wagner explained his communications with LG&E on this and other topics.

He said that there may be another option to a public hearing, which would be to revise the plat and pull the plat back below where the adjoining property owners are who did not consent. He said he had no issue with this case going to the Planning Commission or coming back to the next LD&T Committee meeting, as long as the necessary LG&E easement agreements had been secured.

Susan Hughes, legislative aide to Councilwoman Marianne Butler, discussed possible ways to help expedite the situation with Mr. Wagner. Using the plat, Mr. Wagner pointed out the locations of properties whose owners did not want to sign the consent. In response to a question from Mr. Wagner, Mr. Burden said the church had already signed to purchase the Massie property. He said the owner of the Massie property had signed the easement agreement, so LG&E has the easement on that property.

Mr. Wagner discussed the procedures for an alley closure.

Mr. Burden said there was one property owner who has still not responded to their communications – they had been trying to reach this property owner since 2012.

The Committee by general consensus agreed to **CONTINUE** this case to an LD&T meeting at an unspecified date.

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
**September 22, 2016**

**NEW BUSINESS**

**CASE NUMBER 18175**

Request:	Street Closure
Project Name:	Expressway Church
Location:	W. Florence, S. 6th, & S. 5th Streets; & Expressway Avenue
Owner:	Louisville Metro
Applicant:	Rich Design Studios
Representative:	Rich Design Studios – Kevin Rich
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	Joel P. Dock, Planner I

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting (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 Land Development and Transportation Committee meeting 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:**

**00:07:49** Joel Dock presented the case which was continued from the LD&T Committee meeting on September 8, 2016. He stated that the applicant has worked with Committee Member Brown since then and has resolved all prior issues.

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

Kevin Rich, 640 S 4<sup>th</sup> Street, Suite 200, Louisville, KY 40202

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

**00:08:56** Kevin Rich spoke on behalf of the applicant. He also stated that all prior issues have been resolved and that the applicant would like to proceed with a partial closure. The applicant is in agreement with the condition to allow access through the property from the remaining portion of the alley.

**00:10:40** Committee Member Brown stated that an approved Category 3 Development Plan is needed before execution of the partial road closure.

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
**September 22, 2016**

**NEW BUSINESS**

**CASE NUMBER 18175**

**00:11:00** Committee Members' deliberation

**00:12:01** On a motion by Committee Member Carlson, seconded by Committee Member Brown, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Land Development and Transportation Committee does hereby place Case Number 18175 on the **Consent Agenda** for the September 29, 2016 Planning Commission meeting based on the testimony heard today.

**The vote was as follows:**

**YES: Lewis, Turner, Brown and Carlson**

**ABSENT: Jarboe**

**ABSTAIN: None**

**NO: None**

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
**September 8, 2016**

**NEW BUSINESS**

**CASE NUMBER 18175**

Request:	Street Closure
Project Name:	Expressway Church
Location:	W. Florence, S. 6th, & S. 5th Streets; & Expressway Avenue
Owner:	Louisville Metro
Applicant:	Rich Design Studios
Representative:	Rich Design Studios – Kevin Rich
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	Joel P. Dock, Planner I

**NOTE: This case was heard out of order as the first item on the agenda.**

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting (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 Land Development and Transportation Committee meeting 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:**

**00:04:05** Joel Dock presented the case. He stated that Transportation originally approved the plat in 2014 prior to the Land Development and Transportation Committee Meeting of April 2014. A bond and permit are required by Transportation before final approval of a partial closure (see staff report and recording for detailed presentation).

**00:08:46** Tammy Markert of Transportation Planning stated that the comment about the bond and permit was made in October of 2012 by Jennifer Caummisar in regards to an alley curb cut along W Florence Ave. The 2012 meeting regarding this case was for a full closure, not a partial closure. Tammy showed the Committee a photograph as an example of why a bond is still needed for the request today.

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

Kevin Rich, 640 S 4<sup>th</sup> Street, Suite 200, Louisville, KY 40202  
Jayme Burden, PO Box 1241, Elizabethtown, KY 42701

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

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
**September 8, 2016**

**NEW BUSINESS**

**CASE NUMBER 18175**

**00:10:50** Kevin Rich spoke on behalf of the applicant. He confirmed the initial request in 2012 was for a full alley closure; the request today is for a partial alley closure only. Since 2012, the church has purchased all of the properties on the east side of the alley, so the alley closure was modified to just include the properties that the church owns on both sides of the alley. The portion of the alley from the north of that line to Florence Ave. would remain as it is today. The alley is unimproved and contains plant life. They could not move forward with the approval process for the CAT 3 plan that was submitted because the alley closure has not been resolved.

**00:12:52** Chair Pro Tem Brown is not supportive of a partial alley closure without a provision for a future connection or turn around. It is unimproved, but it is a public right of way that could be developed in the future.

**00:15:40** Mr. Rich explained what parking would remain unchanged and what would be added in the area and he showed the Committee the plan.

**00:19:15** Jayme Burden, who is with Expressway Church of Christ, explained why the neighbors did not want to sign for a full closure, but they do not have a problem with the request for a partial closure.

**00:19:56** Chair Pro Tem Brown still finds issue with a partial closure. He believes that an unimproved alley that doesn't have a public right of way connection from one public road to another is useless.

**00:21:35** Mr. Burden stated that this process has been going on for four years and is preventing the growth and expansion of their congregation. They have tried everything they know of to resolve this process and have even gone so far as to buy surrounding properties to get the alley closed.

**00:22:55** Mr. Rich stated that it was determined based on a discussion with Planning and Design that if they modify the application from a full closure to a partial closure, that they could get the case placed on the Planning Commission consent agenda rather than public hearing.

**00:26:38** Mr. Dock stated that the reason for the deferral from the 2014 LD&T was because there was an issue with the abutting property owners not giving LG&E consent for an easement that would be within their property once the alley is closed. The applicant discussed the partial closure with Planning staff and it was stated that partial closure would alleviate concerns with the LG&E easement and full closure.

**00:33:15** The Committee discussed with Mr. Rich how to keep some of the alley open to public right of way.

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
**September 8, 2016**

**NEW BUSINESS**

**CASE NUMBER 18175**

**00:39:35** On a motion by Committee Member Kirchdorfer, seconded by Committee Member Howard, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Land Development and Transportation Committee, in Case Number 18175, does hereby **CONTINUE** the case to the September 22, 2016 meeting of the Land Development and Transportation Committee.

**The vote was as follows:**

**YES: Turner, Howard, Kirchdorfer, and Brown**

**ABSENT: Jarboe, Lewis, and Blake**

**ABSTAIN: None**

**NO: None**