

Planning Commission
Staff Report
February 21, 2019



Case No:	18STREETS1004
Project Name:	Cheffield Dr Closure
Location:	8509 Sheffield Dr
Owner(s):	City of Hurstbourne
Applicant:	City of Hurstbourne
Jurisdiction:	Hurstbourne
Council District:	18 – Marilyn Parker
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Closure of Public Right-of-Way**

CASE SUMMARY/BACKGROUND

The applicant is proposing to close a portion of Sheffield Dr near Oxmoor Woods Pkwy. The stated intention of the closure is to prevent future development in the area from connecting by way of the neighborhood streets.

STAFF FINDING

The request is not adequately justified and does not meet the standard of review.

TECHNICAL REVIEW

Metrosafe has the following concern regarding this proposed closure:

The proposed closure does not conform to the LDC for the City of Hurstbourne (Chapter 6 Mobility Standards Section 6.2.5.A General Layout of Streets, Coordination with Surrounding Streets), which states that streets “shall make possible the future extension of streets into adjacent undeveloped land.” This regulation promotes roadway connectivity, which facilitates the efficient emergency response, for existing and future development. Although there is not a current plan for development, adjacent to the proposed Sheffield Drive street closure, it’s connectivity could be determined necessary, depending on the proposed development.

Louisville Water Company is fine with the closure as long as they are able to maintain access to their equipment. All other agencies have consented to the closure or declined to comment.

INTERESTED PARTY COMMENTS

Staff has received comments from the legal representative of the owner of the parcel located at 900 Oxmoor Ave objecting to the closure, as they are concerned about losing access to their property.

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: The proposed closures would remove access that was created to serve future development. The continued access by the public to this right-of-way has been identified as necessary to serve current and future needs.

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 a public right-of-way is not 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. Adequate public facilities would not be available to serve existing and future needs of the community if the proposed closure were completed. Transportation facilities have not been provided to accommodate future access.

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

STAFF: The proposed closure would violate the Land Development Code in place for the City of Hurstbourne section 6.2.5.A that requires streets make possible future extension onto adjacent undeveloped land.

REQUIRED ACTIONS:

- **RECOMMEND** that the **City of Hurstbourne APPROVE** or **DENY** the closure of public right-of-way

NOTIFICATION

Date	Purpose of Notice	Recipients
1-3-19	Hearing before LD&T	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 18
1-18-19	Hearing before PC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 18

ATTACHMENTS

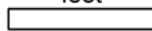
1. Zoning Map
2. Aerial Photograph

1. Zoning Map



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feet



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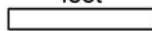
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2. Aerial Photograph



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feet



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