

**Land Development and Transportation  
Committee  
Staff Report  
July 22, 2021**



|                          |   |
|--------------------------|---|
| <b>Case No:</b>          | 20-STRCLOSURE-0019  |
| <b>Project Name:</b>     | Wayside Alley Closure   |
| <b>Location:</b>         | Unnamed Alley east of S Preston St between 432<br>E Jefferson St and 323 S Preston St |
| <b>Owner(s):</b>         | Louisville Metro  |
| <b>Applicant:</b>        | Wayside Christian Mission   |
| <b>Jurisdiction:</b>     | Louisville Metro  |
| <b>Council District:</b> | 4 – Jecorey Arthur  |
| <b>Case Manager:</b>     | Jay Lockett, AICP, Planner I  |

**REQUEST(S)**

- Closure of Public Right-of-way

**CASE SUMMARY/BACKGROUND**

The proposal is to close a 10-foot wide alley that runs to the east of S Preston St between E Liberty St and E Jefferson St. The site is located in Downtown Louisville. All adjacent property owners have consented to the closure. Wayside Christian Mission is proposing to fence and enclose the area behind their building for security purposes.

**STAFF FINDING**

All adjacent property owners consent to the closure and the case can be placed on the consent agenda of the Planning Commission.

**TECHNICAL REVIEW**

All affected agencies have agreed to the closure or declined to comment.

**INTERESTED PARTY COMMENTS**

None received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR STREET 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 closure does 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. The applicant will provide necessary easements or relocation of equipment per utility agency requirements.

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 the right-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Mobility Goal 2, Policy 2 states to coordinate use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users; Mobility Goal 2, Policy 7 states that the design of all new and improved transportation facilities should be accessible and; Mobility Goal 3, Policy 1 states to provide transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. Provide walking and bicycling opportunities to enable activity centers to minimize single-occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling; Mobility Goal 3, Policy 2 seeks to improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers; Mobility Goal 3, Policy 3 to evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices; Mobility Goal 3, Policy 5 to evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality; and Mobility Goal 3,

Policy 12 states 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. Where appropriate, provide at least one continuous roadway through the development to tie all local access roads or parking areas to the arterial street system. Adequate stub streets and pedestrian connections should be provided by developments. 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 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:**

- Add to the consent agenda for the next available Planning Commission

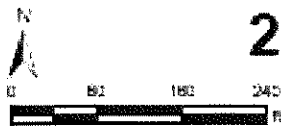
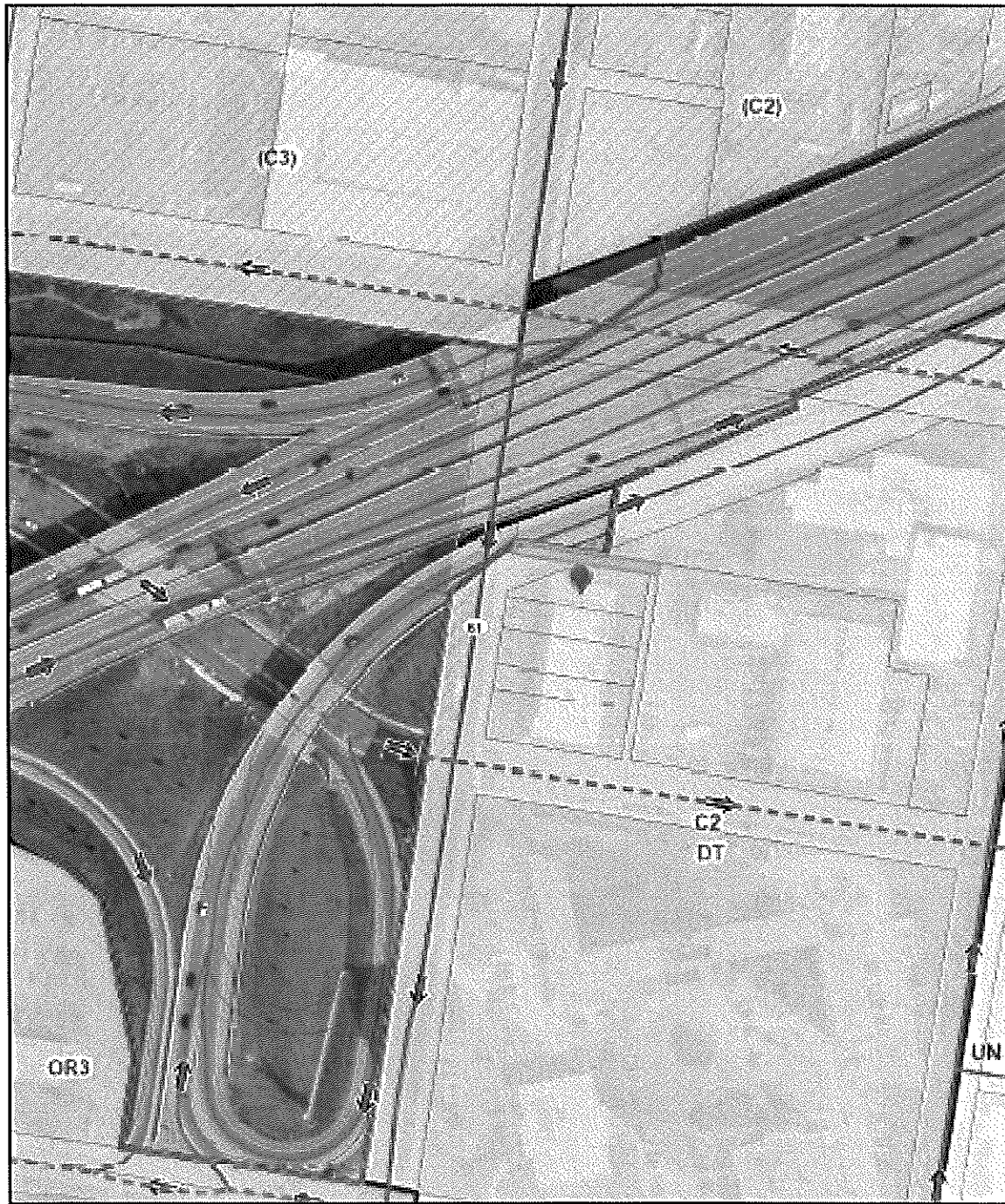
**NOTIFICATION**

| Date     | Purpose of Notice   | Recipients  |
|----------|---------------------|---|
| 7/6/2021 | Hearing before LD&T | Registered Neighborhood Groups in Council District 4<br>First Tier Adjacent Property owners for the closure area. |

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



# 20-STRCLOSURE-0019

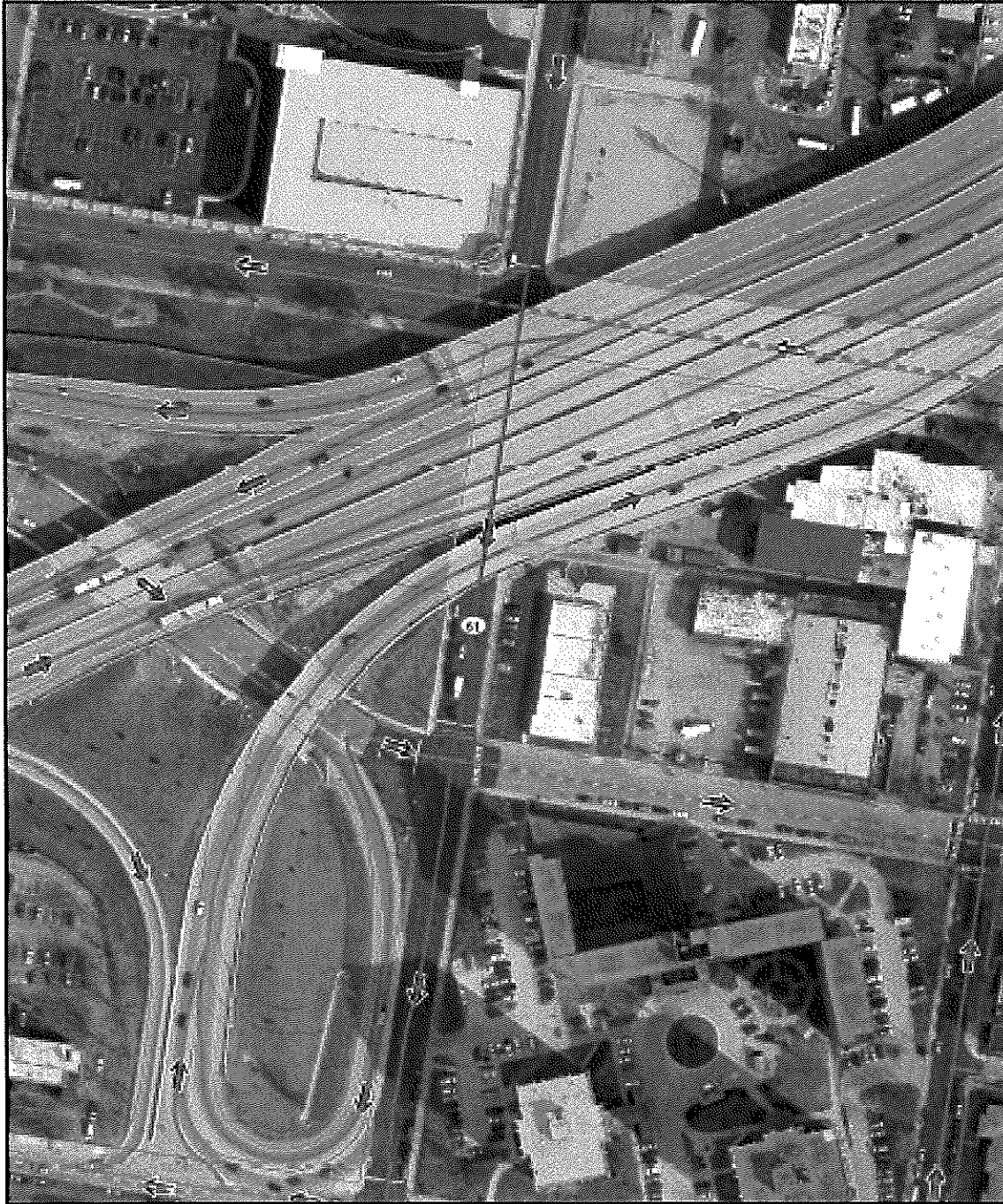
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2. Aerial Photograph



# 20-STRCLOSURE-0019

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## WRITTEN JUSTIFICATION STATEMENT FOR ALLEY CLOSURE PROPOSAL

Wayside Christian Mission proposes the permanent closure of an unnamed alley beginning at the 300 block of South Preston Street, immediately south of the Interstate 65 overpass, and extending eastward into the Wayside Christian Mission property at 432 East Jefferson Street.

This closure is consistent with the Comprehensive Plan's provisions for adequate public facilities. The alley serves only the Wayside Christian Mission property and provides access to no other property. Furthermore, it is narrow enough to permit only pedestrian, cycle, and compact automobile access. Since access by all interested parties, ranging in size from pedestrian to large commercial vehicle, is available through the Jefferson Street entrance and an unnamed alley extending northward from the 400 block of East Liberty Street to the Wayside property, the closure of the longitudinal (east-west) alley at its South Preston Street entrance will not interfere with the entrance and egress necessary for the safe operation of the Wayside property. Since the alley serves no other property owner, its closure will have no negative impact on any other property.

One property owner, J&T Leasing, LLC, controls almost the entire 300 block of South Preston Street. Its deed indicates that it assembled three contiguous parcels into a single property extending from Fehr (formerly Green, n/k/a Liberty) Street northward to its boundary at the unnamed alley that Wayside proposes to close. The J&T Leasing property currently has its own driveway and is fenced just before the alley. The owner is whole-heartedly in favor of this alley closure and his signed and notarized consent form is enclosed.

The proposed alley closure will prevent or at least limit the use of the alley as a campsite by unsheltered, homeless individuals. This consequence of closure, in turn, will enhance the safety of both the J&T Leasing and the Wayside properties and will limit the area that local law enforcement will need to patrol regularly to limit unsanitary practices and drug usage.

Wayside staff have discussed the proposed closure with the Metro Council member for District 4, and the parties have agreed that the proposed closure is in the best interest of all parties. Additionally, Jeff Mosley, attorney for Metro Louisville, (recently retired), and Ellen Heslen, Chief of Staff for Mayor Fischer's office, were both involved with this project from its beginning and supportive of the alley closure.