

PLANNING COMMISSION MINUTES
October 15, 2020

CONSENT AGENDA

CASE NO. 20-STRCLOSURE-0013

Request: Closure of Public Right-of-Way
Project Name: Magazine Street Apartments Alley Closure
Location: Unnamed Alley off of 29th Street
Owner: Louisville Metro Applicant: LDG Development
Representative: Cliff Ashburner, Dinsmore & Shohl
Jurisdiction: Louisville Metro
Council District: 5 - Donna Purvis

Case Manager: Lacey Gabbard, AICP, Planner I

Notice of this public hearing appeared in The Courier-Journal, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

No additional staff testimony or statements.

An audio/visual recording of the Planning Commission hearing 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.

00:04:58 On a motion by Commissioner Howard, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that 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; and

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WHEREAS, the Commission further finds that 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; and

WHEREAS, the Commission further finds that the request to close multiple rights-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

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lands maintain access to public infrastructure and utility services will continue to be provided to these lands.

And

WHEREAS, the Commission further finds that there are no other relevant matters to be considered by the Planning Commission; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested closure of the public right-of-way on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Daniels, Carlson, Brown, Seitz, Mims, Peterson, Howard, and Jarboe.

NOT PRESENT: Commissioner Lewis.

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
October 8, 2020**

NEW BUSINESS

CASE NO. 20-STRCLOSURE-0013

Request:	Closure of Public Right-of-Way
Project Name:	Magazine Street Apartments Alley Closure
Location:	Unnamed Alley off of 29 th Street
Owner:	Louisville Metro
Applicant:	LDG Development
Representative:	Cliff Ashburner, Dinsmore & Shohl
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	Lacey Gabbard, AICP, 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.)

Agency Testimony:

00:06:00 Ms. Gabbard discussed the case summary, standard of review and staff analysis from the staff report.

00:08:26 Commissioner Brown said the staff report states the alley extends southbound to Magazine St. but the plat has it extending north to Chestnut. Ms. Gabbard said the staff report is incorrect.

00:09:56 Commissioner Carlson asked if all the agencies have reviewed this proposal. Ms. Gabbard said it was distributed to the agencies. If they don't comment, there's usually no issue.

00:11:18 Mr. Reverman added, if there are any utility easements, we will need the comments before going to a public hearing.

The following spoke in favor of this request:

Clifford Ashburner, Dinsmore and Shohl, 101 South 5th Street, Louisville, Ky. 40202
Kelli Jones, Sabak, Wilson and Lingo, 608 South 3rd Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:12:10 Mr. Ashburner said they have received approval from the Board of Zoning Adjustment, BOZA to construct the multi-family community. The proposal is to remove the existing industrial buildings and replace them with multi-family. The 2 alleys need to be closed. They are not being used and 1 has a building built over it. There is 100%

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consent from property owners as well as the staff's support, we ask that this case be scheduled for Consent Agenda on next weeks' Planning Commission meeting.

00:17:00 Commissioner Daniels asked if they will be removing buildings from 29th St. to 30th from Magazine to Chestnut? Mr. Ashburner said yes.

00:18:49 Ms. Jones stated the alley shown going east/west is part of the closure. The other portion goes from the end of that alley to the north. It is not reflected as an alley in the LOJIC property lines.

Deliberation

00:21:24 Planning Commission deliberation.

An audio/visual recording of the Land Development & 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.

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the 100% consent from property owners, Staff Analysis and Standard of Review and testimony heard today was adopted

RESOLVED, that the Louisville Metro Planning Commission does hereby **SCHEDULE** this case for the October 15, 2020 Planning Commission Consent Agenda.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Peterson and Lewis