

# Planning Commission

## Staff Report

October 3, 2019



<b>Case No:</b>	19-STRCLOSURE-0006
<b>Project Name:</b>	Enclave at Warwick Village
<b>Location:</b>	413R, 415R, & 417 Washburn Ave
<b>Owner(s):</b>	City of Lyndon
<b>Applicant:</b>	Butch Ernspiker
<b>Representative(s):</b>	Duncan Galloway Egan Greenwald, PLLC
<b>Jurisdiction:</b>	City of Lyndon
<b>Council District:</b>	7 – Paula McCraney
<b>Case Manager:</b>	Joel P. Dock, AICP, Planner II

### REQUEST(S)

- **Street/Alley Closure**

### CASE SUMMARY

A street closure for an unimproved right-of-way known as Jefferson Terrace (PB 9 PG 33) is proposed. The unimproved right-of-way is an east/west section beginning at Washburn Ave and terminating at the side property line of an existing multifamily development.

### STAFF FINDING

100% consent has been received from abutting property owners of the affected street/alley proposed for closure. The request appears to be adequately justified based on the standard of review contained in the staff analysis.

### TECHNICAL REVIEW

St. Matthews Fire District – St. Matthews fire has no objections to the proposed closure.

E-911/Metro Safe Addressing – E-911 has no objections to the proposed closure.

AT&T – PDS staff has not received any formal objections.

MSD – MSD has no objections to the proposed closure.

Louisville Metro Health Department – PDS staff has not received any formal objections.

Louisville Gas & Electric – LG&E will require continued access to utilities in the form of an easement.

Louisville Water Company – PDS staff has not received any formal objections.

Louisville Metro Public Works – DPW has no objections to the proposed closure.

Historic Preservation – Historic Preservation has no objections to the proposed closure.

TARC – TARC has no objections to the proposed closure.

19-ZONE-0037, a change in zoning from R-4 to R-5A, is scheduled for a public hearing on October 31, 2019.

### **STANDARD OF REVIEW FOR STREET CLOSURE**

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. Easements and access to utilities was coordinated with respective agencies and will be provided by individual easement or recorded with the closure plat.

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. Easements and access to utilities was coordinated with respective agencies and will be provided by individual easement or recorded with the closure plat.

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: Plan 2040 calls for developments to be evaluated for their impact on the transportation net-work (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality. The closure does not result in a decreased level of connectivity/service as the street currently dead ends at a built out multi-family development and the surrounding property will be consolidated to serve a single user.

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

STAFF: 19-ZONE-0037, a change in zoning from R-4 to R-5A, is scheduled for a public hearing on October 31, 2019.

**REQUIRED ACTIONS:**

- **RECOMMEND** to the City of Lyndon that the street/alley closure be **APPROVED** or **DENIED**

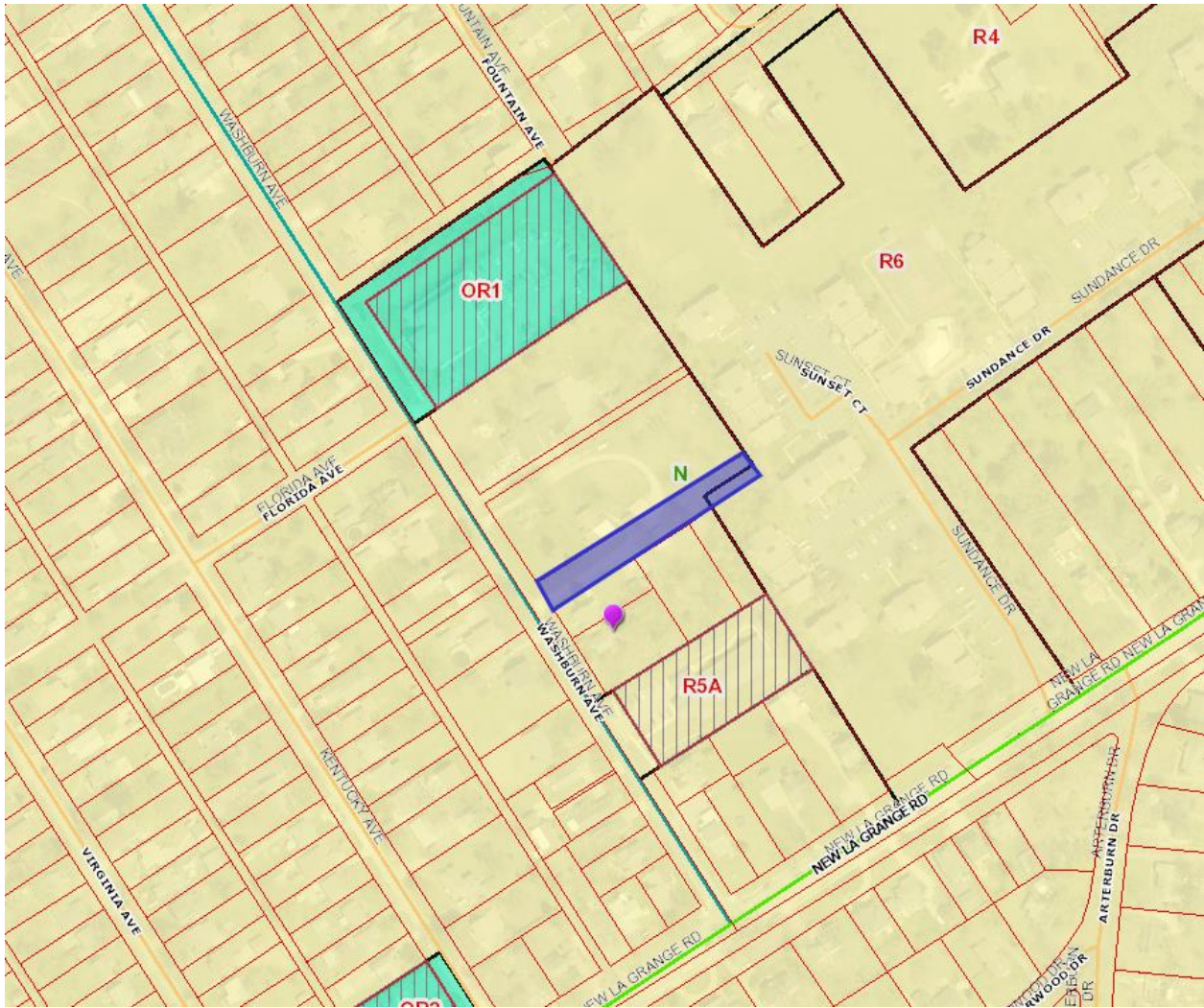
**NOTIFICATION**

Date	Purpose of Notice	Recipients
Not provided (100% consent)	Meeting before LD&T	Adjoining property owners, applicant, representative, case manager, and neighborhood groups

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map





2. Aerial Photograph

