

**Planning Commission**  
**Staff Report**  
February 21, 2019



<b>Case No:</b>	18STREETS1003
<b>Project Name:</b>	Stamford Dr Closure
<b>Location:</b>	Stamford Dr at Oxmoor Woods Pkwy
<b>Owner(s):</b>	City of Hurstbourne
<b>Applicant:</b>	City of Hurstbourne
<b>Jurisdiction:</b>	Hurstbourne
<b>Council District:</b>	18 – Marilyn Parker
<b>Case Manager:</b>	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 Stamford 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 would landlock the parcel with the address of 912 Oxmoor Woods Pky (PID 089M-0004-0000). The LDC for the City of Hurstbourne (Chapter 6 Mobility Standards Section 6.2.5.A General Layout of Streets, Coordination with Surrounding Streets) states that streets “shall make possible the future extension of streets into adjacent undeveloped land.” This standard exists to promote good connectivity to allow efficient mobility for both residents and emergency responders. Considering that there is currently not a conceptual development plan submitted for the surrounding vacant land, its future is unknown and therefore the Stamford Drive ROW connection may be determined appropriate and necessary depending on future plans. Per the LDC, (Chapter 6 Mobility Standards Section 6.3.3.D.1 Permanent Street Closing – Considerations for Approval of a Street or Alley Closing – Adequate Public Facilities) “No closure of any public right-of-way shall be approved where an identified current or future need for the facility exists.”*

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 912 Oxmoor Woods Pkwy objecting to the closure, as they are concerned about losing their legal 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. The property located at 912 Oxmoor Woods Pkwy will be dispossessed of public access to their property if the proposed closure is completed.

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 and the proposed closure would dispossess property owners of public access. Adjacent residential lands would not maintain access to public infrastructure.

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**

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

#### **ATTACHMENTS**

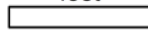
1. Zoning Map
2. Aerial Photograph

1. Zoning Map



18STREETS1003

feet



120

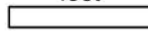
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2. Aerial Photograph



18STREETS1003

feet



120

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