

**PLANNING COMMISSION MINUTES**  
**March 2, 2017**

**PUBLIC HEARING**

**CASE NO. 16STREETS1010**

Request: Street/Alley Closure  
Project Name: Woodbine and Jackson  
Location: North/South alley from Woodbine to Jackson Streets  
Owner: Louisville Metro

Applicant: Midwest Sprinkler Corporation  
Jack Canady  
1420 South Jackson Street  
Louisville, Ky. 40208

Representative: Frost Brown Todd  
Tanner Nichols  
400 West Market Street, Suite 3200  
Louisville, Ky. 40202

Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton-Smith  
**Case Manager: Joel Dock, 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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

00:05:08 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Tanner Nichols, Frost, Brown and Todd, 400 West Market Street, Suite 3200, Louisville, Ky. 40202  
Jack Canady, Midwest Sprinkler Company, 1420 South Jackson Street, Louisville, Ky. 40208

**Summary of testimony of those in favor:**

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00:16:11 Mr. Nichols gave a power point presentation. The applicant wants the alley closure for safety reasons and the expansion of his business. The easement can't be granted because the applicant doesn't own the property yet.

Mr. Nichols remarked, "We have an email from the trucking company saying they can make the turn to get into that alleyway and wanted to show a video of it, but there are trees and a cable/utility line blocking it." Also, the applicant is willing to enter into an agreement to open the alley for the property owners of 415 and 417 (after given reasonable notice).

00:26:27 Mr. Canady said he has semi-truck deliveries on a daily basis. He has never seen a semi-truck continue north down the alley.

Mr. Canady said he employees 67 people currently and is looking to expand and add more jobs.

**The following spoke in opposition to this request:**

Gottfried Reck, 415 East Woodbine Street, Louisville, Ky. 4028

**Summary of testimony of those in opposition:**

00:30:06 Mr. Reck said he's been at 415 E. Woodbine since 1982. He is now retired but other builders rent from him.

Mr. Reck submitted a survey from the neighbors into the record. The closure would cause a hardship to other businesses in the area. "This alley should be accessible by all tax payers of the immediate neighborhood."

**Rebuttal**

00:39:23 Mr. Canady stated, "I'm willing to put in a gate and lock and give them a key."

**Deliberation**

00:43:24 Commissioner Peterson stated the applicant has a real need for his business to expand. The applicant is addressing the concern of the neighbors. Commissioner Carlson suggests deferring this case to see if the applicant and neighbors can work something out. Commissioner Smith said the applicant is providing access, to the alley, with the gate. Commissioner Brown supports the closure and commends the applicant for providing cross access, but doesn't want that to be a

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condition or requirement. Commissioner Ferguson is in agreement with the alley closure and gate addition, but not with deferring this case further. Commissioner Tomes remarked, "When you control the property on both sides of the alley, you should be able to expand your business and close the alley." Commissioner Howard remarked, "The general welfare and safety of the neighborhood will not be impacted." Commissioner Gazaway hopes the applicant and neighbors can work everything out together. "Help with community development for everyone in the area." Chairman Jarboe said the proposal meets the Comprehensive Plan. There are several other ways to access the area.

00:51:39 Mr. Dock recommended the following condition of approval for the easement providing utility service access to LG&E and AT&T. "A draft of that easement is provided to Planning and Design Services staff for legal counsel review prior to transmittal to Metro Council. The street closure has to be recorded first so Midwest Sprinkler can grant LG&E and AT&T the easement. They work together so we'll take the street closure for recording and the easement document will be recorded just after the street closure."

**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.**

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution was adopted.

**WHEREAS**, The requested closure does not result in demand on existing or future public facilities and services. Easements shall be coordinated and reserved as requested by AT&T and LG&E; and

**WHEREAS**, Any utility access necessary within the right-of-way to be closed will be maintained by agreement with the utilities. Easements shall be coordinated and reserved as requested by AT&T and LG&E prior to final action on the alley closure; and

**WHEREAS**, 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

**WHEREAS**, , the Louisville Metro Planning Commission finds the closure complies with the Goals, Objectives and Plan Elements of the Comprehensive Plan found in Guideline 7 (Circulation), Guideline 8 (Transportation Facility Design), and Guideline 14 (Infrastructure). Any physical improvements necessary for the closure will be completed

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by the applicant. Right-of-way proposed for closure does not serve as primary public access to surrounding uses or obstruct circulation with adjacent uses. Utility easements will be provided to those agencies requesting easements to ensure the long-term maintenance and services of utilities to the community; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the Planning Commission should weigh the matter of heavy-truck access to surrounding businesses as stated in the *Interested Party Comments*, those comments provided to the Commissioners, and any additional comments provided at the hearing; either in favor, neutral, or opposition.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of Case No. 16STREETS1010, an alley closure for north/south alley between Woodbine and Jackson Streets **ON CONDITION** that a utility access easement draft which grants rights to LG&E and AT&T is provided for final review prior to transmittal to Metro Council based on the staff report and testimony heard today.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Ferguson, Gazaway, Howard, Peterson, Smith and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioner Lewis**

**ABSTAINING: Commissioner Tomes**