

# Planning Commission Staff Report January 23, 2020



<b>Case No:</b>	19-STRCLOSURE-0013
<b>Project Name:</b>	Cooper Church Drive Street Closure
<b>Location:</b>	Unimproved ROW between Cooper Church & Preston Hwy.
<b>Owner(s):</b>	Louisville Metro
<b>Applicant:</b>	Capstone Realty, Inc
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	24-Madonna Flood
<b>Case Manager:</b>	Julia Williams, AICP, Planning Supervisor

## REQUEST(S)

- Street Closure for an unimproved & unnamed ROW between Cooper Church Road and Preston Hwy.

## CASE SUMMARY/BACKGROUND

The proposal is to close an unimproved ROW associated with a development site that was rezoned from R-4 to R-7 (19-ZONE-0028).

The development site is located at the northern terminus of Cooper Church Drive. The subject property is more approximately located at the interchange of Preston Highway with Interstate-265. Thirty dwellings have been proposed within 2, 3-story structures. Access is provided via Cooper Church Drive. No access to Preston is permitted as the east side of the site along Preston is also shared with the highway off-ramp. The site is opposite Cooper Church Drive from the Suburban Workplace Form and within close proximity the Commerce Crossing business park. On the east side of Preston Highway, a commercial center is present. Further south on Preston Highway, additional commercial goods and services can be found.

## STAFF FINDING

The proposal has 100% consent from adjacent property owners. The closure meets the requirements of the Land Development Code and guidelines of the Comprehensive Plan.

## TECHNICAL REVIEW

All affected agencies have been notified in accordance with Land Development Code policies. The agencies have either approved 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.

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 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 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:**

- Recommend **APPROVAL** or **DENIAL** of the street closure to Metro Council.

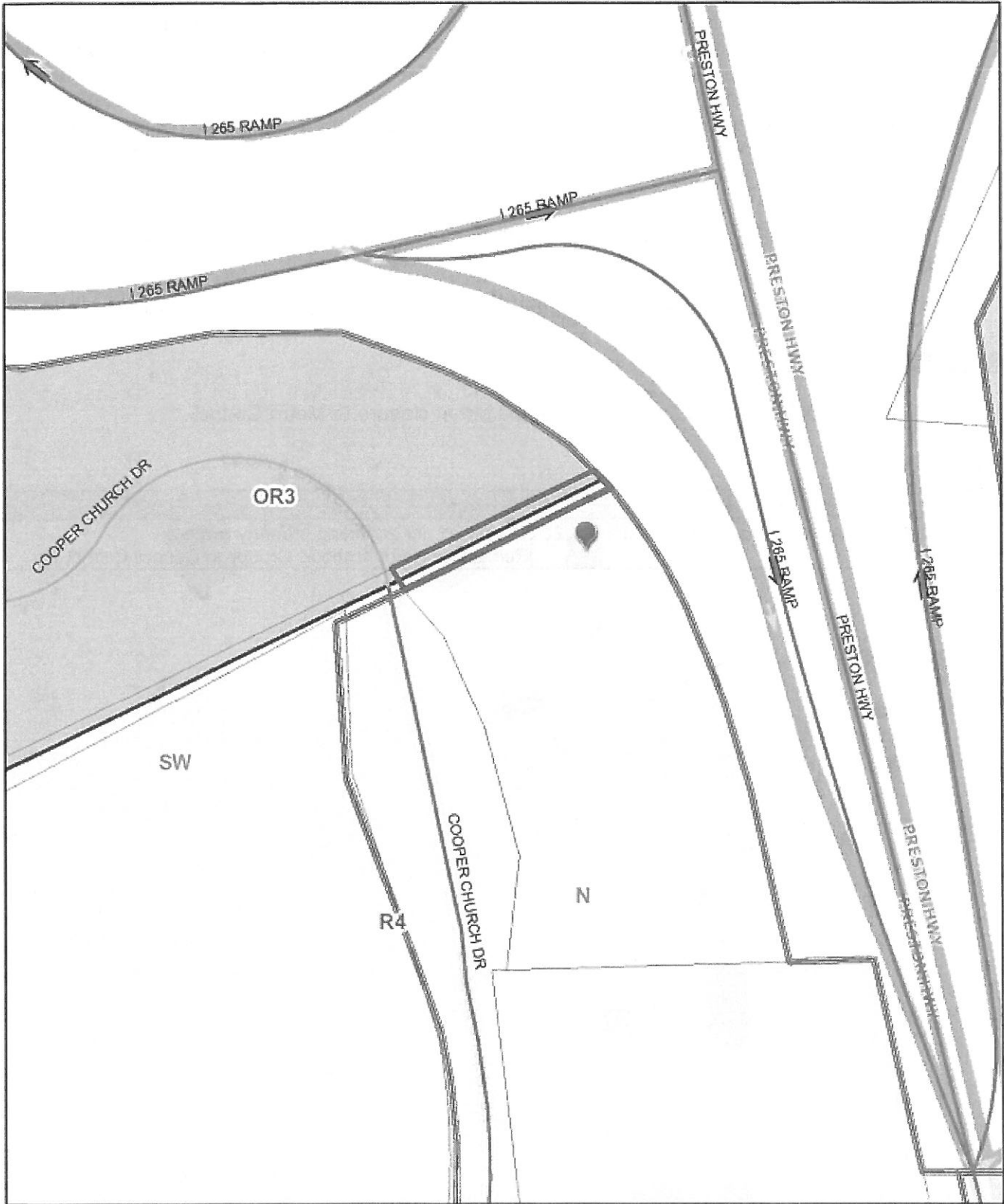
**NOTIFICATION**

Date	Purpose of Notice	Recipients
12/19/19	Hearing before LD&T on 1/16/2020	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 24

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph





**Land Development and Transportation  
Committee  
Staff Report  
January 16, 2020**



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**STAFF FINDING**

The proposal has 100% consent from adjacent property owners and could be put on the consent agenda for the next available Planning Commission.

**TECHNICAL REVIEW**

All affected agencies have been notified in accordance with Land Development Code policies. The agencies have either approved the closure or declined to comment.

**INTERESTED PARTY COMMENTS**

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## STANDARD OF REVIEW AND STAFF ANALYSIS FOR STREET CLOSURES

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**REQUIRED ACTIONS:**

- Place the proposal on the consent agenda for the next available Planning Commission

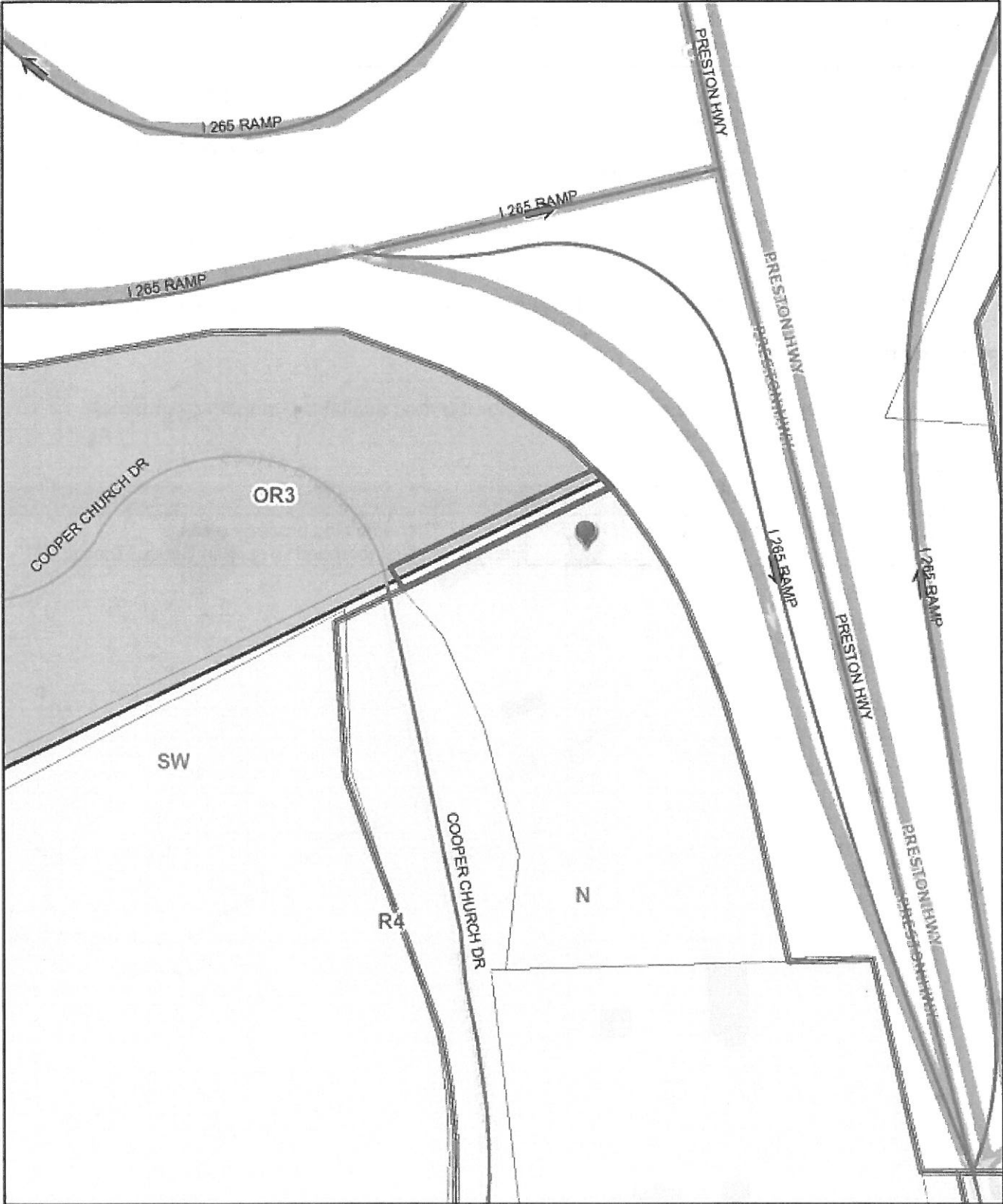
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