

**Land Development & Transportation Committee**  
**Staff Report**  
 January 26, 2017



|                   |  |
|-------------------|--|
| Case No:          | 15STREETS1018  |
| Request:          | Closure of unnamed alleys bound by E. Breckinridge St. to the south, S. Floyd St. to the east, an unnamed alley to the north, and S. Brook St. to the west |
| Project Name:     | Village Alley Closing  |
| Location:         | 209 E. Breckinridge Street   |
| Owner:            | VOEB LLC, Ronald W. Stinson, EDL Holdings LLC, Christ Way Missionary Baptist Church and Outdoor Systems Inc.   |
| Applicant:        | VOEB LLC   |
| Representative:   | George Stinson   |
| Jurisdiction:     | Louisville Metro   |
| Council District: | 4 – Barbara Sexton Smith   |
| Case Manager:     | Brian Davis, AICP, Planning Manager  |

**REQUEST**

- Closure of an unnamed 20-foot alley located immediately north of E. Breckinridge St. and running between S. Brook St. and S. Floyd St.
- Closure of an unnamed 10-foot alley extending north from E. Breckinridge St. to an unnamed alley running between S. Brook St. and S. Floyd St.
- Closure of an unnamed 20-foot alley extending north from an unnamed alley running between S. Brook St. and S. Floyd St. to another unnamed alley running between S. Brook St. and S. Floyd St.

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The applicant proposes to close three existing alleys located between E. Breckinridge St., S. Floyd St. and S. Brook St. The pavement exists; however, the alleys have been gated by the applicant for some time now. The applicant had previously applied to close the alleys, but application never made it to public hearing. The proposed closings are in keeping with an approved development plan, 15DEVPLAN1146, which would allow internal circulation between the existing hotel, banquet facility and parking on the site.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

|                               | Land Use         | Zoning | Form District |
|-------------------------------|------------------|--------|---------------|
| <b>Subject Property</b>       |                  |        |               |
| <b>Existing</b>               | Right-of-Way     | EZ-1   | SW            |
| <b>Proposed</b>               | Private Property | EZ-1   | SW            |
| <b>Surrounding Properties</b> |                  |        |               |
| <b>North</b>                  | Vacant           | EZ-1   | SW            |
| <b>South</b>                  | Vacant           | EZ-1   | SW            |
| <b>East</b>                   | Vacant           | EZ-1   | SW            |
| <b>West</b>                   | Vacant           | EZ-1   | SW            |

## PREVIOUS CASES ON SITE

- 13STREETS1002: An application to close the alleys in question was previously submitted but was never taken to public hearing.
- 15DEVPLAN1146: An approved application for a Category 3 plan with associated waivers for a banquet facility.

## INTERESTED PARTY COMMENTS

Staff has not received comments from any interested parties.

## APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code

## 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.

**STAFF: The approved development plan calls for closing the alleys. There is another alley running between S. Brook St. and S. Floyd St. immediately to the north.**

2. Where existing or proposed utilities are located within the right of way to be closed, it shall be retained as an easement

**STAFF: Any utility access necessary within the right of way to be closed will be maintained by agreement with the utilities.**

3. 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.

**STAFF: The applicant will provide for any necessary improvements.**

4. Comprehensive Plan – The extent to which the proposed closure is in compliance with the Goals, Objectives and Plan Elements of the Comprehensive Plan.

**STAFF: The closure complies with the Goals, Objectives and Plan Elements of the Comprehensive Plan found in Guideline 7 (Circulation) and Guideline 8 (Transportation Facility Design). Any physical improvements necessary will be provided by the applicant. The areas of closure will be consolidated with adjoining properties.**

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

**STAFF: There are no other relevant matters.**

**TECHNICAL REVIEW**

All review agencies have approved the proposed alley closures.

**STAFF CONCLUSIONS**

The proposal meets or exceeds all applicable items of the comprehensive plan. The areas of closure will be consolidated with adjoining lots. The functional hierarchy of streets will not be affected, as there is another alley running east to west between S. Brook St. and S. Floyd St.

The proposal is in order to be placed on the earliest possible Consent Agenda of the Planning Commission as 100% of the adjoining property owners have given their consent to the closure.

**REQUIRED ACTIONS**

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must **SCHEDULE** this proposal for a Planning Commission **PUBLIC HEARING, BUSINESS SESSION, or CONSENT AGENDA.**

**NOTIFICATION**

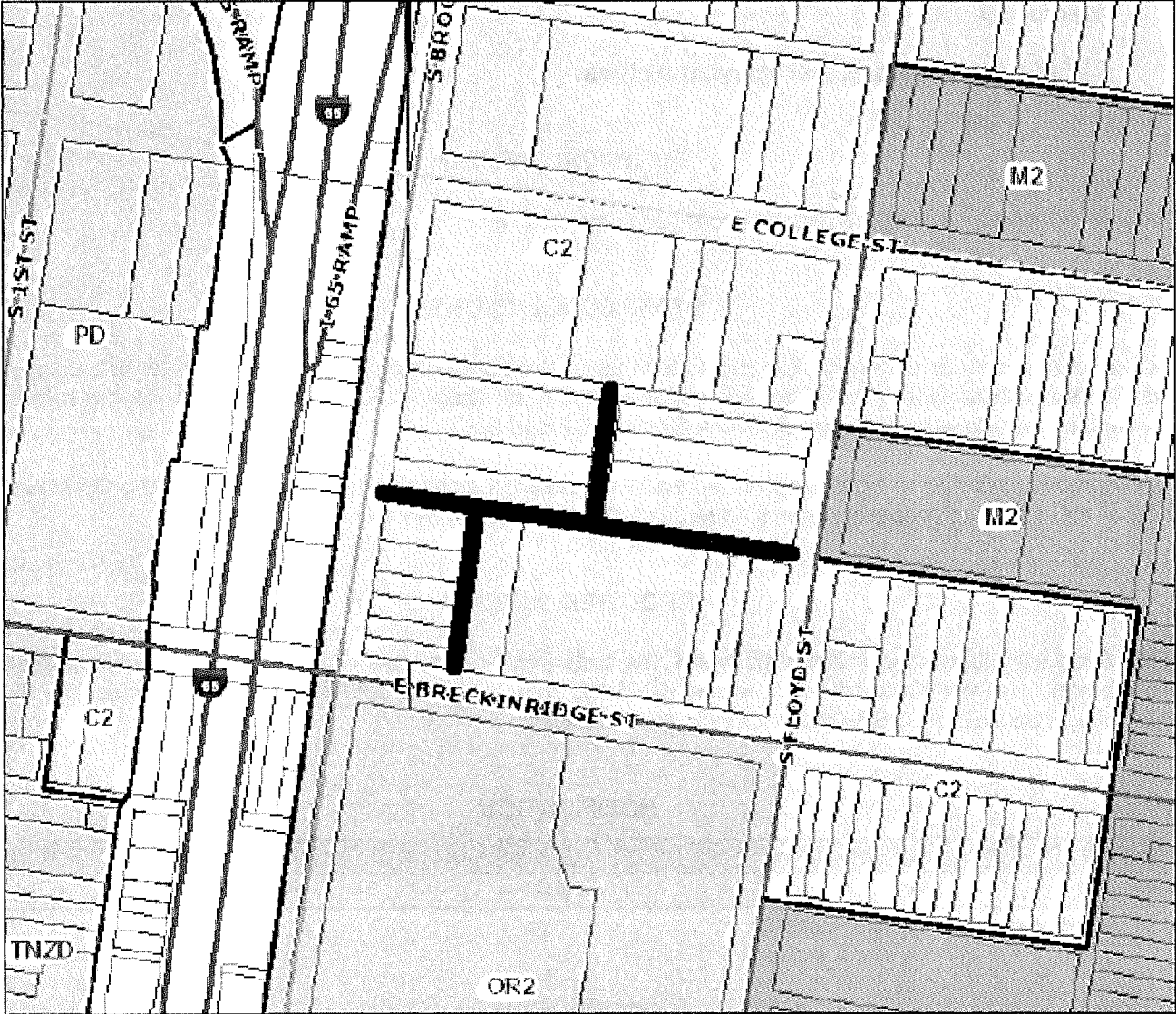
| Date | Purpose of Notice | Recipients |
|------|-------------------|------------|
| NA*  | NA*               | NA*        |

\*100% adjacent property owner consent

**ATTACHMENTS**

- 1. Zoning Map
- 2. Aerial Photograph
- 3. Cornerstone 2020 Staff Checklist

1. Zoning Map



2. Aerial Photo



**3. Cornerstone 2020 Staff Checklist for Neighborhood**

- + Exceeds Guideline
- √ Meets Guideline
- +/- More Information Needed
- Does Not Meet Guideline
- NA Not Applicable

| #  | Cornerstone 2020 Plan Element                                       | Plan Element or Portion of Plan Element   | Staff Finding | Staff Comments  |
|----|---|---|---------------|---|
| 28 | Mobility/Transportation Guideline 7: Circulation                    | A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means. | √             | The applicant will provide for any necessary improvements.                        |
| 36 | Mobility/Transportation Guideline 8: Transportation Facility Design | A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.  | √             | There is an appropriate functional hierarchy of streets for the surrounding area. |