

PLANNING COMMISSION MINUTES
December 5, 2019

PUBLIC HEARING

CASE NO. 19-STRCLOSURE-0008

Request:	Closure of Public Right-of-Way
Project Name:	Noble Funk Development Alley Closure
Location:	Alley south of West Breckinridge Street between South 2 nd Street and South 3 rd Street
Owner:	Louisville Metro
Applicant:	Domino Partners
Representative:	QK4
Jurisdiction:	Louisville Metro
Council District:	4- Barbara Sexton Smith
Case Manager:	Jay Lockett, AICP, 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:

01:31:45 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Ashley Bartley, 1046 East Chestnut Street, Louisville, Ky. 40204
Dominique Shrader, Domino Partners, 427 East Market Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

01:36:04 Ms. Bartley gave a power point presentation. There was 100% consent for the closure. The alley network is very fragmented and in poor condition. The alley traffic will be re-routed through the parking lot and one to the west. Some improvements that will prevent cars from driving through are restoring the curb-cut, building sidewalks and installing bollards at the end of the alley. AT&T has an underground manhole and it may have to be relocated at the applicant's expense and would need to be an easement.

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01:44:25 Ms. Shrader stated the plan is to provide a brewery, food, gathering space, event space and multi-use for the community. The proposed green space is very important. The building will be a safe and well-lit environment as well.

01:46:21 Commissioner Brown asked if there's an existing curb-cut on the 3rd St. side. Ms. Bartley said yes.

Deliberation

01:46:55 Planning Commission deliberation.

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.

Closure of Public Right-of-Way

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, 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. The applicant has provided access easements to allow continued vehicular circulation in the area after the closure is completed; and

WHEREAS, 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; and

WHEREAS, the Louisville Metro Planning Commission finds, the request to close the right-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

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mobility needs of all transportation network users; 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. 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. While part 2.2 of the Streetscape Standards of the SoBro Planned Development District discourages the closure of alleys, the applicant has provided access easements that will maintain the existing connectivity of the alley network. The closure of the alley where it intersects with S 3rd St will eliminate a known point of conflict between pedestrians and vehicles. The new access easement layout will be offset instead a straight line, which will reduce vehicle speeds through the alley network, and the closure of the alley will also reduce the number of curb cuts on major arterial roadways. The overall result will be a safer transportation network for all road users in the area, while still maintaining connectivity; and

WHEREAS, the Louisville Metro Planning Commission further finds there are no other relevant matters to be considered by the Planning Commission.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the closure of public right-of-way on property described in the attached legal description be **APPROVED, SUBJECT** to the following condition of approval.

1. Any easements requested or work required by AT&T associated with the existing utility service equipment in the closure area shall be completed to their satisfaction prior to the recording of the final plat. Written confirmation from an authorized representative of AT&T of the completion of this work shall be submitted to Planning and Design Services Staff prior to recording of the final plat.

The vote was as follows:

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**YES: Commissioners Brown, Carlson, Howard, Mims, Peterson and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Daniels, Tomes and Lewis**