

Land Development and Transportation Committee Staff Report April 28, 2022



Case No:	21-STRCLOSURE-0032
Project Name:	S 5 th at W Chestnut Alley
Location:	Alley East of S 5th St Parallel to W Chestnut St
Owner(s):	Louisville Metro
Applicant:	Joseph Impellizzeri
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Jay Lockett, AICP, Planner II

REQUEST(S)

- Closure of Public Right-of-way

CASE SUMMARY/BACKGROUND

The proposal is to close an unnamed alley. The alley is 10 feet wide and runs approximately 187 feet east from S 5th St, north of and parallel to W Chestnut St. The alley currently provides access to parking areas for businesses located along W Chestnut St and connects to another alley that runs north-south between W Chestnut St and W Muhammad Ali Blvd. The applicant has provided conceptual designs for future development that could necessitate closure of the right-of-way, but has not submitted any formal development plans.

STAFF FINDING

Per Land Development Code Section 6.3.3.F.4: “The Planning Commission may waive the public hearing if all owners of property adjacent to the street or alley, and affected governmental units having geographical jurisdiction, agree to the proposed closure.”

Although all adjacent property owners have given consent to the closure, Staff has concerns about the proposed closure.

The proposal is ready to docket for a public hearing before the Planning Commission.

TECHNICAL REVIEW

There are no utilities within the closure area and all utility agencies have consented to 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: Utility services will not be affected by the closure, 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. The proposed closure may result in an increase in demand on public facilities or services by potentially disrupting traffic and access around the subject site. Properties will not be deprived of legal access to their sites by the closure, but the closure may create access difficulties for adjacent and nearby properties due to the one-way nature of area streets.

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 right-of-way is not 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. Transportation facilities have not been provided to accommodate future access and to not dispossess property owners of functional public access. Adjacent and surround properties may have difficulty accessing their sites due to the one-way nature of streets in the area, as the alley provides meaningful access to parking and service areas for a variety of properties from S 5th St.

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

STAFF: While development on the site could be served with the alley closure, a detailed development plan would need to be reviewed in order to determine access and circulation for future development in the area.

REQUIRED ACTIONS:

- Schedule for a public hearing before the next available Planning Commission

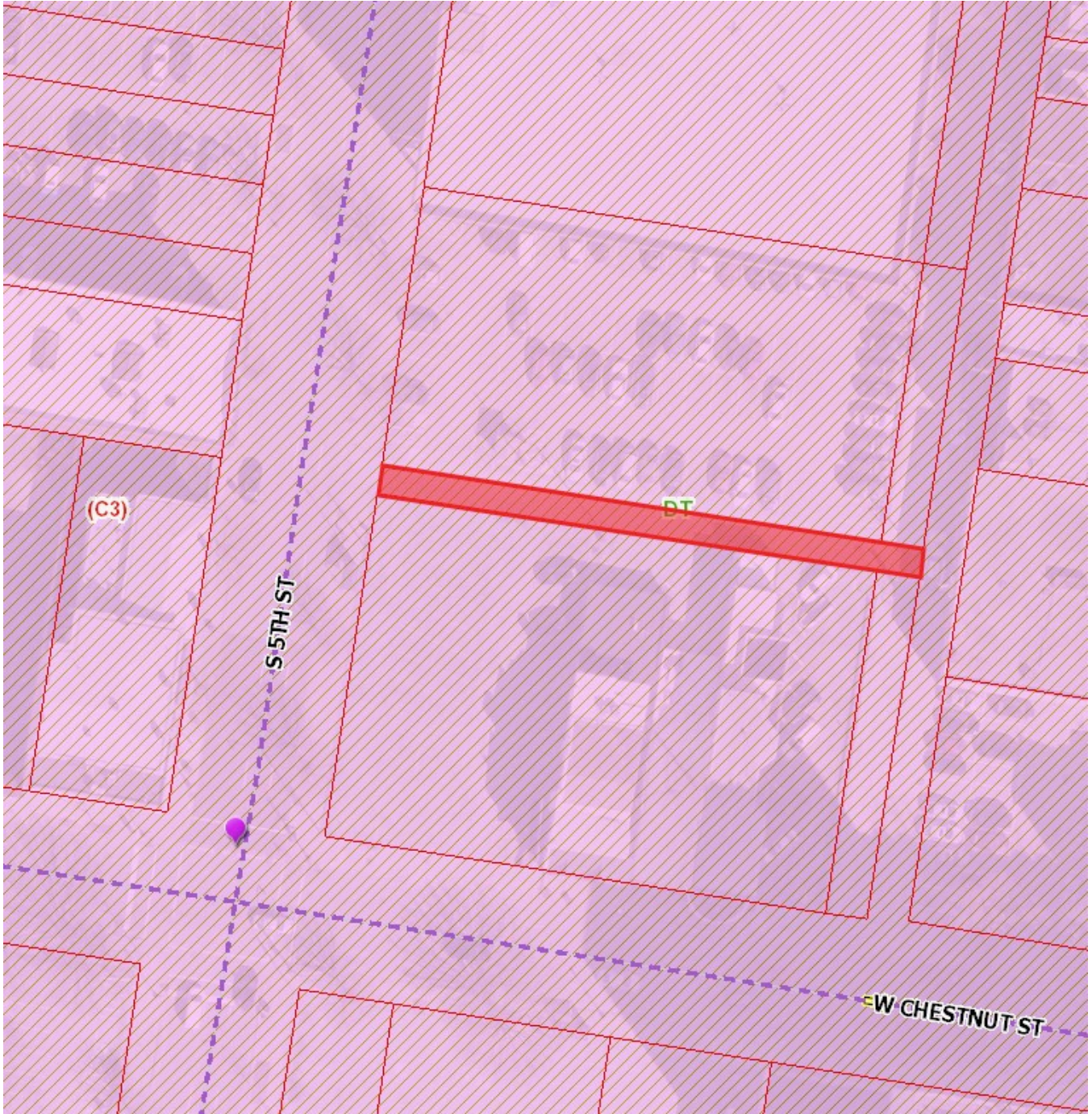
NOTIFICATION

Date	Purpose of Notice	Recipients
4/14/2022	Hearing before LD&T	Registered Neighborhood Groups in Council District 2 First Tier Adjacent Property owners for the closure area.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

