

**PLANNING COMMISSION MINUTES**  
**August 29, 2019**

**PUBLIC HEARING**

**CASE NO. 19STREETS1006**

Request: Closure of Public Right-of-Way  
Project Name: 922 Mason Alley  
Location: Alley south of 922-930 Mason Ave  
Owner: Louisville Metro  
Applicant: 922 Mason, LLC  
Representative: AL Engineering, Inc.  
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:**

02:27:55 Jay Lockett presented the case via Power Point slide show (see staff report and recording for detailed presentation).

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

Alex Rosenberg, 13000 Middletown Ind. Boulevard, Suite A, Louisville, Kentucky, 40223

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

02:29:48 Alex Rosenberg, applicant, stated he is present to answer questions.

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

No one spoke

**The following spoke in neither for nor against this request:**

Steve Corwin, 1206 Everett Avenue, Louisville, Kentucky, 40204

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**Summary of testimony of those neither for nor against:**

02:30:17 Steve Corwin, adjacent property owner, asked why they will need to close this alley. Steve Rosenberg replied this alley serves no purpose and he would like to consolidate the connecting properties. Steve Corwin noted that in the record there were no statement of the consolidation and the closure would inhibit the access to his own property as previous owners have denied him use of the alley. Mr. Corwin detailed the area of the proposed alley closure and how this would affect future development of his property (see recording for detailed presentation).

02:33:40 Commissioners, Mr. Corwin, Travis Fiechter, and Joe Reverman discussed the regulations regarding the portion of the alley closure given to abutting property owners (see recording for detailed presentation).

02:37:18 Commissioners, Steve Corwin, Jay Lockett, Alex Rosenberg and Joe Reverman discussed utility easement agreements for the alley (see recording for detailed presentation).

**Rebuttal:**

02:42:01 Alex Rosenberg read plat note #3 "All lots abutting the R.O.W being closed, shall be consolidated with respective portions of this street closure." Mr. Rosenberg stated after the plat is recorded is when lots can be consolidated.

**Deliberation**

02:42:49 Commissioner Deliberation (see recording for detailed presentation).

**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.**

02:46:07 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the staff report, evidence, and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission further finds 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

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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; and

**WHEREAS**, the Louisville Metro Planning Commission further finds 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 further finds 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

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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; and

**WHEREAS**, the Louisville Metro Planning Commission further finds there are no other relevant matters to be considered by the Planning Commission; now, therefore it be

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to Louisville Metro Council that the Closure of Public Right-Of-Way be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Tomes, Daniels, Brown, Howard, Carlson, and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Lewis, Smith, and Peterson**

**MINUTES OF THE MEETING  
OF THE  
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

**July 25, 2019**

**New Business**

**Case No. 19STREETS1006**

<b>Request:</b>	Closure of public right-of-way
<b>Project Name:</b>	922 Mason Alley
<b>Location:</b>	Alley South of 922-930 Mason Avenue
<b>Owner:</b>	Louisville Metro
<b>Applicant:</b>	922 Mason, LLC
<b>Representative:</b>	AL Engineering Inc.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Barbara Sexton Smith

**Case Manager:** **Jay Lockett, AICP, Planner I**

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 LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

01:13:06 Julia Williams presented the case on behalf of Jay Lockett (see staff report and recording for detailed presentation.)

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

Alex Rosenberg, 13000 Middletown Industrial Boulevard Suite A, Louisville, KY 40223

Fred Ralston (owner), 14 Ridge Road, Louisville, KY 40205

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

01:15:23 Alex Rosenberg, the applicant's representative, said he and the owner are present and available for questions.

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

No one spoke.

**MINUTES OF THE MEETING  
OF THE  
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

**July 25, 2019**

**New Business**

**Case No. 19STREETS1006**

**An audio/visual recording of the Land Development and Transportation Committee meeting 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.**

The Committee by general consensus scheduled this case to be heard at the **August 29, 2019** Planning Commission public hearing.