

Land Development and Transportation Committee

Staff Report

January 26, 2017



Case No:	16STREETS1021
Request:	Closure of 50' Right of Way
Project Name:	Warwick Avenue Street Closure
Location:	Warwick Avenue from Harris Place to the Watterson Expressway
Owner:	Rick Baker, Lollie Paw Properties, LLC
Applicant:	Rick Baker, Lollie Paw Properties, LLC
Representative:	Charles R. Podgursky, CRP & Associates, Inc
Jurisdiction:	St. Matthews
Council District:	7 – Angela Leet
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Closure of a 50' unimproved Right-of-Way extending 157.60' west from Harris Place to the Watterson Expressway

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to close the 50 foot wide section of Warwick Avenue described above for private use of the property. The closure area will be consolidated with the two abutting private properties as shown on the road closure plat.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Right-of-Way	R-5	N
Proposed	Private Property	R-5	N
<i>Surrounding Properties</i>			
North	Single Family Residential	R-5	N
South	Single Family Residential	R-5	N
East	ROW	R-5	N
West	Watterson Expressway	R-5	NA

PREVIOUS CASES ON SITE

None

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: Adequate public facilities will be maintained as the area of closure and adjoining properties will be consolidated.

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

STAFF: There are no existing or proposed utilities within the right of way to be closed.

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 area of closure will be consolidated with adjoining properties and as this road came to a dead end, it will not affect the street grid pattern in the area.

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

STAFF: There are no other relevant matters.

TECHNICAL REVIEW

Louisville Fire District – **Approved**

E-911/Metro Safe Addressing – **Approved**

AT&T – **No comments received.**

MSD – **Approved**

Louisville Metro Health Department – **Approved**

Louisville Gas & Electric – **No comments received**

Louisville Water Company – **Approved**

Louisville Metro Transportation Review – **Approved**

Historic Preservation – **No comments Received**

TARC – **Approved**

STAFF CONCLUSIONS

The proposal meets or exceeds all applicable items of the comprehensive plan in regards to the Neighborhood Form District. The area of closure will be consolidated with adjoining lots. The functional hierarchy of streets will not be affected.

There are two abutting properties with linear frontage. One of these property owners have signed notarized consent at this time while staff has not received the notarized consent for the second abutting property owner. As the entirety of the required materials have not been submitted in completion, staff requests this case be **CONTINUED** to a date uncertain.

NOTIFICATION

Date	Purpose of Notice	Recipients
12/22/16	Meeting before LD&T	Subscribers to Council District 14 Notification of Development Proposals
12/23/16	Meeting before LD&T	1 st tier adjoining property owners

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.	√	The proposal will provide for an appropriate functional hierarchy of streets for the surrounding areas because the area of closure will be consolidated with the adjoining properties and the street comes to a dead end currently.