

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
February 24, 2022

NEW BUSINESS

Case No. 22-STRCLOSURE-0004

Request:	Closure of Public Right-of-Way
Project Name:	Fegenbush Ln Closure
Location:	Portion of Fegenbush Ln ROW adjacent to 5905 Fegenbush Ln
Owner/Applicant:	Hull St Condominiums
Jurisdiction:	Louisville Metro
Council District:	2 - Barbara Shanklin
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. 5th Street.)

Agency Testimony:

00:56:17 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:57:46 Commissioner Mims asked why the Louisville Metro Council did not agree with this closure. Joe Reverman, Assistant Director of Planning and Design Services, said Metro Council's main concern was that there was not a proposed development Plan associated with this request when it was put before them about a year ago. He said nothing is different from the last time it came through; the last plan is expired. Mr. Lockett said the applicant has a presentation which addresses proposed use of the land.

The following spoke in favor of the request:

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Matt Elder, 5905 Fegenbush Lane, Louisville, KY

Summary of testimony of those in favor:

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01:00:53 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:05:35 Commissioner Carlson asked how closing this ROW and blocking the access would address illegal dumping. Mr. Pregliasco said that, once this property is enclosed and passed to the ownership of the applicant, the applicant would be responsible for stopping the dumping and obligated for maintaining it. Mr. Reverman said the adjacent property owners are required to maintain the ROW in front of their property anyway. See recording for detailed discussion.

01:09:11 Commissioner Carlson asked if there had been any communication regarding this case to the Metro Councilperson for this district (Councilperson Shanklin.) Mr. Pregliasco said there had been discussion; he can provide more detail about that at the public hearing. He said this case is ready for a public hearing because there are no technical issues or aspects requiring further review. This would be a public hearing item; **NOT** a Consent Agenda item. See recording for detailed discussion.

01:12:58 Commissioner Mims asked Mr. Pregliasco if he/the applicant has been communicating with Wyatt Tarrant & Combs (the developer's attorneys) regarding this closure issue. Mr. Pregliasco said he is representing the owner/s of the property immediately adjacent to this site. See recording.

01:15:29 In response to a question from Commissioner Sistrunk, Mr. Pregliasco said other reasons for closing the ROW are: it is excess ROW that is no longer needed or being used; it is not being maintained; and the adjoining property owner is looking to develop this property and is looking to present a visual street frontage.

01:16:53 Matt Elder, the owner of the adjacent property, said that, since the proposal was denied by Metro Council the last time, the applicant has spoken with Councilpersons Flood, Peden and Shanklin regarding how the land would be used. (See recording for detailed presentation and discussion.)

The following spoke in opposition to the request:
No one spoke.

Rebuttal:

01:20:35 There was no rebuttal.

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Deliberation:

01:20:46 Commissioners' deliberation.

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 **April 7, 2022** Planning Commission public hearing.