

# Planning Commission Staff Report

June 1, 2017



Case No:	16STREETS1013
Project Name:	Dumesnil Street at 13 <sup>th</sup>
Location:	East/West right-of-way South of Oak Street from 13 <sup>th</sup> St to railroad right-of-way
Owner:	Louisville Metro
Applicant:	Clariant Corporation
Representative:	Wyatt, Tarrant & Combs, LLP
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Joel P. Dock, Planner II

## REQUEST

- **Street Closure**

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes a closure of a sixty foot right-of-way located roughly three-hundred feet South of Oak Street and running West/East between 13<sup>th</sup> Street and Illinois Central Railroad right-of-way (formerly 14<sup>th</sup> Street). The Clariant Corporation (Catalysts & Chemicals/United Catalysts, Inc.) maintains property on each side of the right-of-way to be closed. This portion of right-of-way was proposed for closure in 1981 (docket 1-5-81) and approved for closure by the Board of Alderman in 1985. Proceedings following this action ultimately prevented the right-of-way closure from being fully executed.

## ASSOCIATED CASES ON SITE

1-5-81: A street closure of the right-of-way described in the case summary.

## INTERESTED PARTY COMMENTS

Staff has not received comments or inquiries 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; and

STAFF: Public facilities exist within the right-of-way proposed for closure. The closure will not hinder the ability of these facilities to be maintained as easements will be provided to the satisfaction of their respective agencies. The movement of people and goods will not be impacted by this proposal as the road is not used to meet public transportation needs.

2. 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: Any utility access necessary within the right-of-way to be closed will be maintained by agreement with the utilities. Easements for continued access to service facilities will be provided to the satisfaction of their respective agencies.

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; and

STAFF: 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.

4. 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 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 for the closure will be completed by the applicant. Right-of-way proposed for closure does not serve as public access to surrounding uses or obstruct circulation with adjacent uses.

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

STAFF: There are no other relevant matters.

## TECHNICAL REVIEW

Fire District – No objections to the proposal. The parties will enter into an access easement for the benefit of all three owners to provide for their movement and secure access for emergency responders

E-911/Metro Safe Addressing – No objections to the proposal. The parties will enter into an access easement for the benefit of all three owners to provide for their movement and secure access for emergency responders.

AT&T – No comments received as of 5/1/17. Staff followed up again on 5/2/17 and is awaiting a response. Prior to recording, any AT&T concerns or easements requested should be addressed.

MSD – Easement to be provided for the continued maintenance and access to existing facilities

Louisville Metro Health Department – Approved

Louisville Gas & Electric – Easement to be provided for the continued maintenance and access to existing facilities

Louisville Water Company – Easement to be provided for the continued maintenance and access to existing facilities

Louisville Metro Public Works – Approved

Historic Preservation – No known cultural or historic resources will be affected

TARC – Approved

Easement agreements should be recorded simultaneously with the recording of the street closure. Drafts of the easement agreements should be provided for incorporation into the record prior to transmittal to Metro Council.

### STAFF CONCLUSIONS

The proposal meets or exceeds all applicable items of the comprehensive plan. The area of closure will be consolidated with adjoining lots. The functional hierarchy of streets will not be affected and 100% of adjoining property owners have given consent.

#### Required Actions

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Planning Commission must **RECOMMEND** Louisville Metro Council **APPROVE** or **DENY** this proposal.

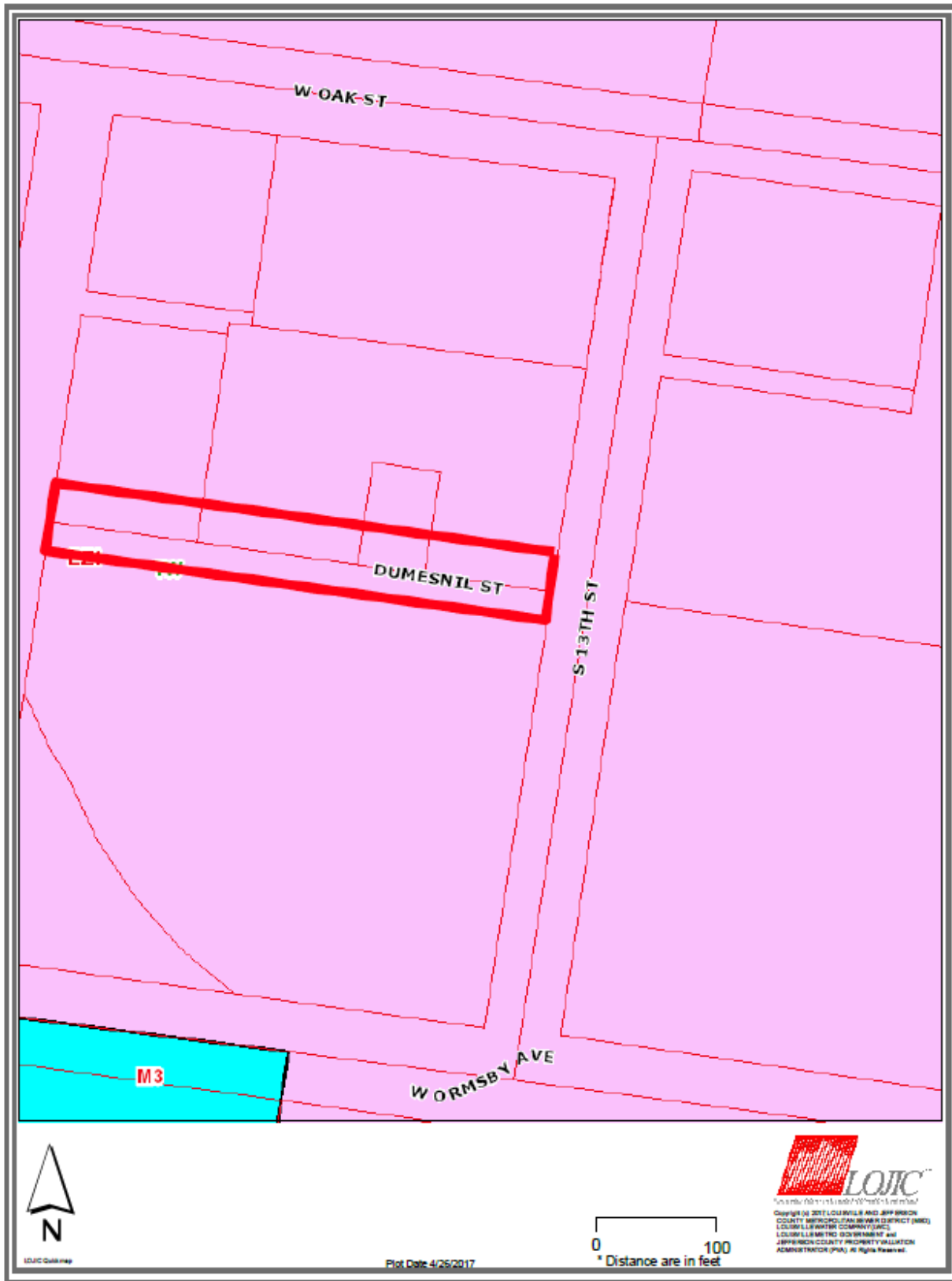
### NOTIFICATION

Date	Purpose of Notice	Recipients
N/A	Meeting before LD&T	no notice sent; 100% consent

### ATTACHMENTS

1. Zoning Map
2. Aerial Photo

1. Zoning Map



2. Aerial Photo

