

# Planning Commission

## Staff Report

November 19, 2015



Case No:	15STREETS1006
Request:	Alley closure of the 12' wide alley bounded by W. Liberty Street and W. Muhammad Ali Boulevard and an alley closure of the 12' wide alley bounded by S. Third Street and a 12' wide unnamed alley
Project Name:	Omni Hotel Alley Closures
Location:	435 S. Third Street
Applicant:	Louisville Metro
Jurisdiction:	Louisville Metro
Council District:	4 – David Tandy
Case Manager:	Brian Davis, AICP, Planning Supervisor

### REQUEST

Alley closure of the 12' wide alley bounded by W. Liberty Street and W. Muhammad Ali Boulevard and an alley closure of the 12' wide alley bounded by S. Third Street and a 12' wide unnamed alley.

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to close two alleys contained within the block surrounded by S. Second Street to the east, W. Muhammad Ali Boulevard to the south, S. Third Street to the west and W. Liberty Street to the north. Both alleys are unnamed and are approximately 12-feet wide. Alley "A" runs from north to south, parallel to S. Second and S. Third streets, from W. Liberty Street south to W. Muhammad Ali Boulevard. Alley "B" runs from east to west, beginning at S. Third Street and terminating at Alley "A." If closed the right-of-way will be consolidated with a number of other tracts owned by Louisville Metro to create one large tract.

As the 100% owner of the abutting property, Louisville Metro Government consents to the closure and waives its right to public notification of meetings necessary to process this request.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Right-of-Way	C-3	Downtown
<b>Proposed</b>	Commercial	C-3	Downtown
<b>Surrounding Properties</b>			
<b>North</b>	Commercial	C-3	Downtown
<b>South</b>	Commercial	C-3	Downtown
<b>East</b>	Commercial	C-2	Downtown
<b>West</b>	Commercial	C-3	Downtown

### PREVIOUS CASES ON SITE

15DDRO1011/15DDRO1012: The Downtown Development Review Overlay Committee conducted a review of the design of the proposed structure/evaluation on the proposed relocation of the old Louisville Water Company building on July 15, 2015. The case was continued to July 29, 2015. A motion to approve 15DDRO1011 (regarding removal of the old Louisville Water Company building from the site) was approved by a vote of 6-2. A motion to approve 15DDRO1012 (regarding the design of the proposed Omni Louisville Hotel and Residences structure) was approved by a vote of 6-2.

15DEVPLAN1083/15VARIANCE1041: On August 3, 2015, the Board of Zoning Adjustments conducted a review of a Category 3 Plan to construct a 1,136,201 square foot structure consisting of a hotel, apartments, retail and parking structure, variances to allow the maximum setback to exceed 0 feet on the Liberty, Second and Third Street frontages and a waiver to accommodate having an innovative high-rise design that proposes two towers that are not stepped back at and above the 14th floor level. All requests were approved by unanimous votes.

15DESIGNATION1002: On October 15, 2015, the Historic Landmark & Preservation District Commission conducted a review of a request to designate the Old Louisville Water Company Building as a local landmark. A motion to deny the landmark status request passed by a vote of 6-3.

### 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 will be consolidated with the adjoining parcels and eventually developed as part of the Omni Hotel development.**

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.

**STAFF: Any utility access necessary within the right of way to be closed will be maintained by agreement with the utilities and/or relocated.**

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 the 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). The physical improvements necessary for the closure will be completed by the applicant. The closure will allow for the consolidation of the property with adjoining parcels and will be developed in the future. Therefore, no adverse impacts on nearby communities will occur and the proposal will provide for an appropriate functional hierarchy of streets for the surrounding areas.**

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 Department – **Approved**

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

AT&T – **AT&T has facilities in the alley that runs north from W. Muhammad Ali Boulevard. The applicant has proposed to grant a 12-foot telephone easement in the location of the facilities.**

MSD – **Approved**

Louisville Metro Health Department – **Approved contingent upon establishment of a mosquito mitigation plan.**

Louisville Gas & Electric – **Approved**

Louisville Water Company – **Approved**

Louisville Metro Public Works – **Approved**

Historic Preservation – **Approved**

TARC – **Approved**

## STAFF CONCLUSIONS

The proposal meets or exceeds all applicable items of the comprehensive plan. The area of closure will be consolidated with adjoining lots and redeveloped as part of the Omni Hotel project. The applicant will provide the necessary infrastructure for future development and the functional hierarchy of streets will not be affected.

The proposal is in order to be placed on the earliest possible Consent Agenda of the Planning Commission as 100% of the adjoining property owners have given their consent to the closure.

**Required Actions**

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Planning Commission must make a recommendation to Louisville Metro Council to **APPROVE** or **DENY** the request.

**NOTIFICATION**

Date	Purpose of Notice	Recipients
11/11/2015	DRC Meeting	Subscribers to Council District 4 Notification of Development Proposals

**ATTACHMENTS**

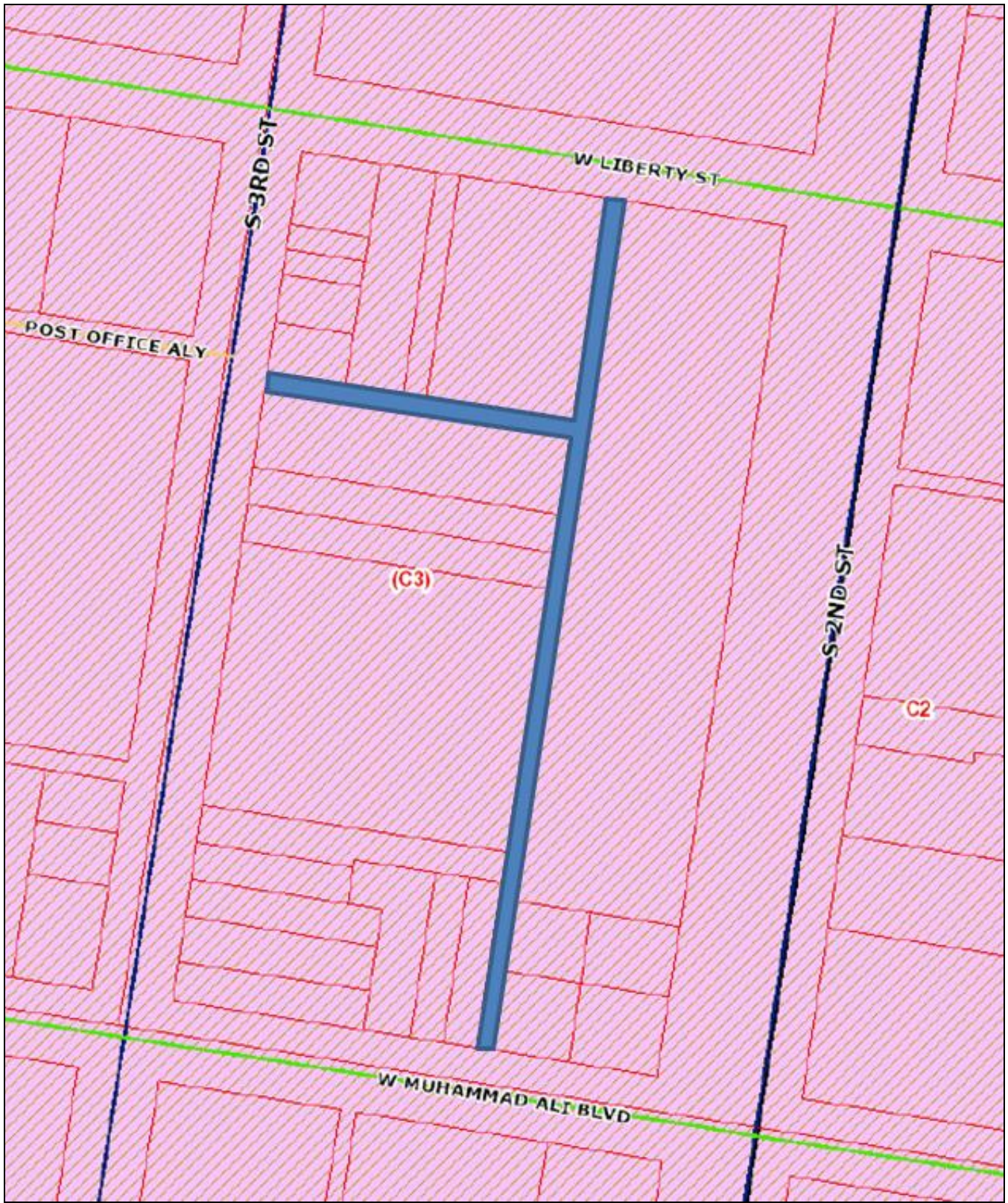
1. Cornerstone 2020 Staff Checklist
2. Zoning Map
3. Aerial Photo

**1. Cornerstone 2020 Staff Checklist**

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
36	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.
41	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 there is a proposed access easement that will function like an alley that will connect S. Second and S. Third streets.

2. Zoning Map



3. Aerial Photo

