

PLANNING COMMISSION MINUTES
October 29, 2015

CONSENT AGENDA

CASE NO. 15STREETS1015

Request: Street Closure of Chamberlain Lane from Mint Spring Branch Road east to Brownsboro Road

Project Name: Norton Commons/Chamberlain Lane Street Closure

Location: Chamberlain Lane

Owner: Norton Commons LLC

Applicant: Sabak, Wilson & Lingo, Inc.

Representative: Sabak, Wilson & Lingo, Inc.

Jurisdiction: Louisville Metro

Council District: 16 – Kelly Downard

Case Manager: Brian Davis, AICP, Planning Supervisor

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.)

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.

Agency Testimony:

00:05:29 Brian Davis presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of this request:

Pat Dominik, Sabak, Wilson & Lingo, 608 S. Third Street, Louisville, KY 40202

Summary of testimony of those in favor:

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00:07:29 Pat Dominik spoke on behalf of the applicant. Pat indicated that the applicant is willing to continue to work with MSD, Worthington Fire Department and Ms. Kelly regarding the design of the gate and closing (see recording for detailed presentation).

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

The following spoke neither for nor against this request:
Barbara Kelly, 6009 Mint Spring Branch Road, Prospect, KY 40059

Summary of testimony of those neither for nor against:

00:10:22 Barbara Kelly spoke neither for nor against this request. Ms. Kelly stated she had asked if a Condition of Approval could be added that they would work with her, collaborate in some way. Ms. Kelly stated she is not asking for final approval, just input (see recording for detailed presentation).

The following spoke in Rebuttal:
David Tomes, 9410 Harlequin Street, Prospect, KY 40059

Summary of Rebuttal testimony:

00:12:28 David Tomes spoke in rebuttal. David stated they have the greatest respect for Barbara and Richard. David stated the issue is this is a road closing to start with and he's not even sure that you can put Conditions of Approval on a road closing other than say that it will be gated and the like (see recording for detailed presentation).

00:25:45 Commissioners' deliberation

00:31:58 On a motion by Commissioner White, seconded by Commissioner Brown, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that 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 Norton Commons development. Emergency access will still be provided to 6101 Chamberlain Lane and access will still be available to the MSD pump station, and

WHEREAS, the Commission further finds that any utility access necessary within the right of way to be closed will be maintained by agreement with the utilities, and

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WHEREAS, the Commission further finds that the applicant will provide for the improvements, and

WHEREAS, the Commission further finds that 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, and

WHEREAS, the Commission further finds that there are no other relevant matters; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission in Case Number 15STREETS1015, Street Closure of Chamberlain Lane from Mint Spring Branch Road east to Brownsboro Road does hereby **RECOMMEND APPROVAL** to Louisville Metro Council, based on the testimony heard today and the staff report.

The vote was as follows:

NOTE: David Tomes is RECUSED from voting on this case.

YES: Commissioners Lewis, Brown, Turner, Peterson, Kirchdorfer, White, and Chair Person Blake

NO: No one

NOT PRESENT: Commissioner Jarboe and Vice Chair Proffitt

ABSTAINING: No one

RECUSED: Commissioner Tomes

DEVELOPMENT REVIEW COMMITTEE
October 14, 2015

NEW BUSINESS

CASE NO. 15STREETS1015

Request: Street Closure of Chamberlain Lane from Mint Spring
Branch Road east to Brownsboro Road
Project Name: Norton Commons/Chamberlain Lane Street Closure
Location: Chamberlain Lane
Owner: Norton Commons LLC
Applicant: Sabak, Wilson & Lingo, Inc.
Representative: Sabak, Wilson & Lingo, Inc.
Jurisdiction: Louisville Metro
Council District: 16 – Kelly Downard
Case Manager: Brian Davis, AICP, Planning Supervisor

NOTE: Chairman Tomes remained for this case to address technical issues only.

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the DRC meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:02:00 Mr. Davis discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Pat Dominik, Sabak, Wilson and Lingo, 608 South 3rd Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:04:42 Mr. Dominik stated they don't oppose putting up a barricade in order to restrict any nuisance activity. Also, the applicant wants to provide a gate but can't give a date certain. There is a tenant farming property owned by Norton Commons, LLC that uses the existing roadway pavement and there is no set time set for that activity to end. The roadway pavement must remain open to continue to provide tenant access. The roadway will be closed at KY 1694 to through traffic.

Additionally, an MSD easement is to be recorded upon the recording of the road closure ordinance to allow MSD access to the pump station approximately 400 feet east of the Mint Springs Branch road intersection. The applicant agreed to continue to work with Barbara Kelly, MSD and the Fire Department on the final location and design of a gate near the Mint Springs Branch road at such time as the farming and tenant operation ceases.

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CASE NO. 15STREETS1015

The following spoke neither for nor against the request:

Steve Porter, 2406 Tucker Station Road, Louisville, Ky.
Barbara Kelly, 6009 Mint Spring Branch Road, Prospect, Ky. 40059

Summary of testimony of those neither for nor against:

00:07:53 Mr. Porter represents the Wolf Pen Preservation Association and Barbara Kelly. "We ask that you approve the closing with the requirement that it be barricaded at both ends. One end will need keys for the tenant, MSD and the emergency people."

00:15:30 Ms. Kelly met with Mr. Dominik on site last week and stated she's mostly concerned about the nuisance, such as young people having parties, noise, etc.

Deliberation

00:19:00 Development Review Committee deliberation.

An audio/visual recording of the Development Review 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 placed this case on the Consent Agenda for the October 29, 2015 public hearing at the Old Jail Building.