

# Planning Commission Staff Report

December 17th, 2015



Case No.:	15STREETS1010
Request:	Partial Street Closure of Railroad Avenue and an unimproved alley
Project Name:	Bob Ray Co. Inc.
Location:	711 Lyndon Lane & 8120 Railroad Avenue
Owner:	Bob Ray Co. Inc.
Applicant:	Bob Ray Co. Inc.
Representative:	Bill Bardenwerper
Jurisdiction:	Lyndon
Council District:	18 – Marilyn Parker
Case Manager:	Christopher Brown, Planner II

## REQUEST

- Partial Street Closure of Railroad Avenue and an unimproved alley

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to close a portion of Railroad Avenue along the property known as Tract 1 associated with 15ZONE1037. It is an unimproved right-of-way. The applicant requests to close the portion of the right-of-way that is directly adjacent to their property. The applicant also proposes to close a portion of an unimproved alley between Tract 1 and Tract 2 associated with 15ZONE1037.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
<b>Existing</b>	Right-of-Way	R-4	N
<b>Proposed</b>	Commercial w/ Contractor's Yard	C-2 w/ CUP	N
<i>Surrounding Properties</i>			
<b>North</b>	Railroad	R-4	N
<b>South</b>	Single Family Residential, Retail	R-4, C-1, C-2	N
<b>East</b>	Single Family Residential	R-4	N
<b>West</b>	Retail, Service	C-1, C-2	N

## PREVIOUS CASES ON SITE

- Plat Book 1, Page 102: Record Plat for Dr. W.E. Grantis Subdivision
- B-223-95: Appeal for non-conforming rights for a contractor's shop was upheld
- 9-40-05: Rezoning from R-4 to C-2 and CUP for a Contractor's Shop, Waivers, Variances, Detailed District Development Plan, and Binding Elements were approved

## 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 property will be consolidated into one lot. The right-of-way is unimproved and will never be extended.**

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.**

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. The street will never be continued in that direction and the street is an unimproved right-of-way. 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 District – **Approved**

E-911/Metro Safe Addressing – **No Comments**

AT&T – **No Comments**

MSD – **Approved**

Louisville Metro Health Department – **Approved**

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 in regards to the Neighborhood Form District. The area of closure will be consolidated with the adjoining lots and is an unimproved right-of-way and alley. The applicant will provide the necessary infrastructure for future development and the functional hierarchy of streets will not be affected.

### Required Actions

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Planning Commission must **RECOMMEND** to the City of Lyndon an **APPROVAL** or **DENIAL** of this proposal.

## NOTIFICATION

Date	Purpose of Notice	Recipients
10/28/15	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 18 Notification of Development Proposals
11/17/15	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 18 Notification of Development Proposals
11/17/15	Hearing before PC	Sign Posting on property
12/10/15	Hearing before PC	Legal Advertisement in the Courier-Journal

## ATTACHMENTS

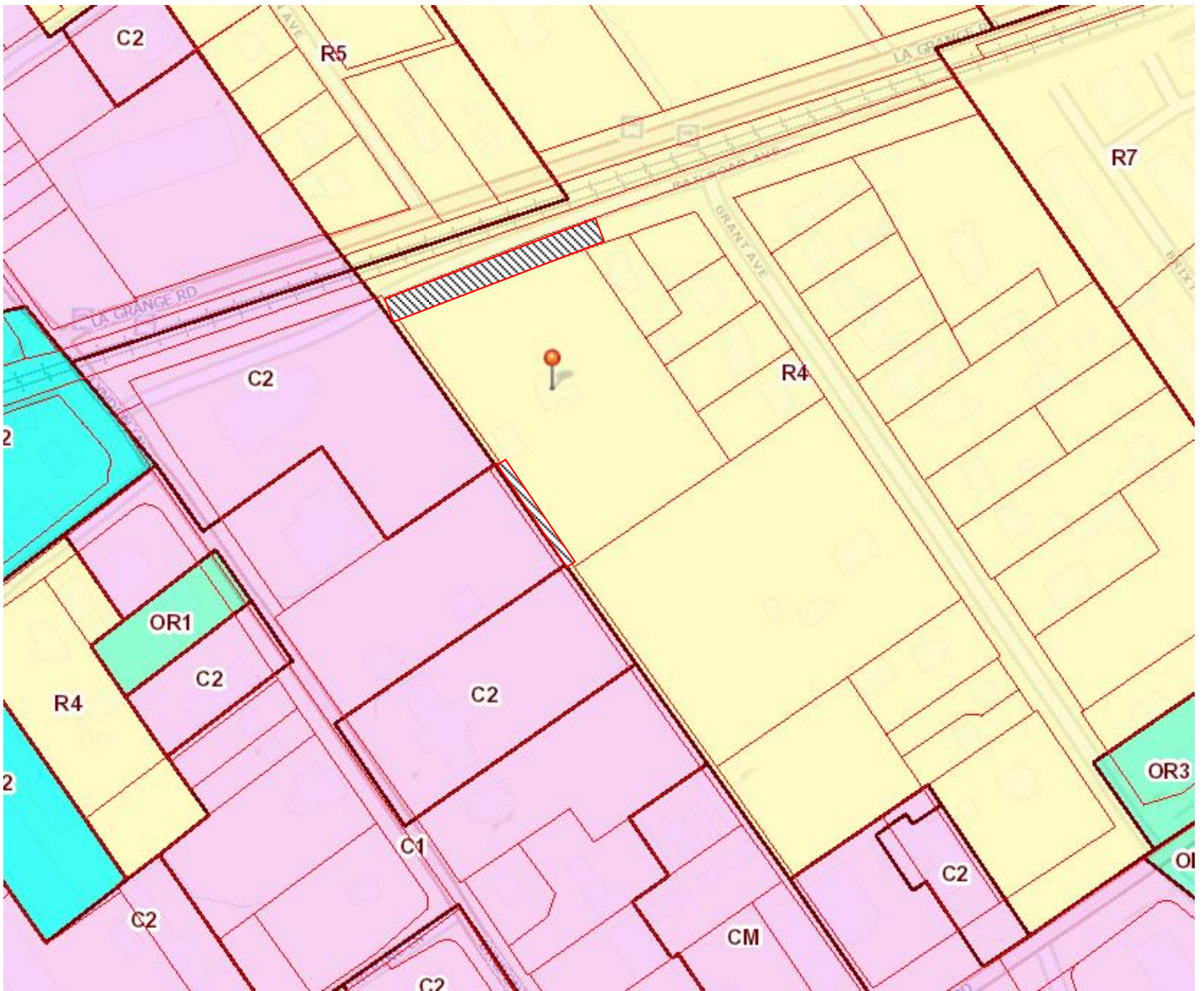
1. Cornerstone 2020 Staff Checklist
2. Zoning Map
3. Aerial Photo
- 4.

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 the area of closure will be consolidated with the adjoining property and the street is an unimproved right-of-way that will never be continued.

2. **Zoning Map**





3. Aerial Photo

