

PLANNING COMMISSION MINUTES
June 21, 2018

PUBLIC HEARING

CASE NO. 17STREETS1002

Request:	Street / Alley Closure of a portion of Lipps Lane
Project Name:	Lipps Lane Closure
Location:	A portion of Lipps Lane on the west side of Jefferson Boulevard north of Bates Avenue
Owner:	Louisville Metro
Applicant:	HRM Louisville LLC
Representative:	Richard Matheny – Cardinal Surveying
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood

Case Manager: **Jay Lockett, Planner I**

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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:17:30 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:19:27 Commissioner Carlson requested a minor correction in the staff report; that this site is under the jurisdiction of the **Okolona** Fire Department. Mr. Lockett said this correction will be made to the staff report, and will confirm that the Okolona FD is aware of the proposal and consents to it.

00:20:16 In response to a question from Commissioner Howard, Mr. Lockett explained why this request required a public hearing.

The following spoke in favor of the request:

Kathy Matheny, Cardinal Surveying, 9009 Preston Hwy, Louisville, KY 40219

Summary of testimony of those in favor:

00:21:15 Kathy Matheny, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) She added that she had spoken with the Okolona Fire Department some time ago (in 2017), and they had no objections.

The following spoke in favor opposition to the request:

No one spoke.

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Deliberation

00:25:18 The Commissioners concluded that the proposal is justified.

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.

00:25:42 On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that adequate public facilities are available to serve existing and future needs of the community. The proposed closures do not result in an increase in demand on public facilities or services as utility agencies have coordinated with the applicant and/or applicant's representative and Planning and Design Services staff to ensure that facilities are maintained or relocated through agreement with the developer. No property adjacent or abutting the rights-of-way to be closed will be left absent of public facilities or services, or be dispossessed of public access to their property; and

WHEREAS, the Commission further finds that any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer, including the cost of improvements to those rights-of-way and adjacent rights-of-way, or the relocation of utilities and any additional agreement reached between the utility provider and the developer; and

WHEREAS, the Commission further finds that the request to close multiple rights-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Guideline 7, Policy 1 provides that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development; Guideline 7, Policy 6 strives to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands; Guideline 7, Policy 9 provides that the Planning Commission or legislative body may require the developer to dedicate rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development as set forth in the Land Development Code and/or an adopted urban mobility plan; Guideline 8, Policy 8 states that Adequate street stubs for future roadway connections that support access and contribute to appropriate development of adjacent lands should be provided by new development and redevelopment; and Guideline 14, Policy 7 provides that the design and location of utility easements provide access for maintenance and repair and to minimize negative visual impacts. Any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer. Adequate public facilities are available to serve existing and future needs of the community. Any facility required to be placed in an easement or relocated will be done so by the developer. Transportation facilities have been provided to accommodate future access and to not

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dispossess property owners of public access. All adjacent lands maintain access to public infrastructure and utility services will continue to be provided to these lands; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed closure of an unimproved section of Lipps Lane, beginning at its intersection with Jefferson Boulevard and traveling approximately 590' west, as described in the attached legal description, be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Carlson, Howard, Peterson, Tomes, and Lewis.

NOT PRESENT: Commissioners Jarboe, Smith, and Robinson.

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
May 31, 2018

NEW BUSINESS

CASE NO. 17STREETS1002

Request:	Street/Alley Closure of a portion of Lipps Lane
Project Name:	Lipps Lane Closure
Location:	A portion of Lipps Lane on the west side of Jefferson Boulevard, north of Bates Avenue
Owner:	City of Louisville
Applicant:	HRM Louisville, LLC
Representative:	Richard Matheny, Cardinal Surveying
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Laura Mattingly, AICP, Planner II

The staff report prepared for this case was incorporated into the record. 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.)

Discussion

00:06:31 Ms. Mattingly presented the case (see staff report and recording for detailed presentation).

It does not have 100% consent.

00:07:38 Ms. Matheny stated, "It's unimproved right-of-way and it's full of easements already."

An audio/visual recording of the Land Development & 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 placed this case on the June 21, 2018 Planning Commission public hearing at the Old Jail Building.

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
May 17, 2018

NEW BUSINESS

CASE NO. 17STREETS1002

Request: **This case will be continued to the May 31 meeting of LD&T**
Street/Alley Closure of a portion of Lipps Lane
Project Name: Lipps Lane Closure
Location: A portion of Lipps Lane on the west side of Jefferson
Boulevard, North of Bates Avenue
Owner: City of Louisville
Applicant: HRM Louisville, LLC
Representative: Richard Matheny, Cardinal Surveying
Jurisdiction: Louisville Metro
Council District: 24 – Madonna Flood
Case Manager: Laura Mattingly, AICP, Planner II
Presented by: Brian Davis, Planning Manager

The staff report prepared for this case was incorporated into the record. 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:

00:04:56 Mr. Davis stated the applicant accidentally mailed notifications without postage. The new notices have been mailed properly for a continuance to the May 31, 2018 LD&T meeting.

Deliberation

00:05:27 Planning Commission deliberation.

An audio/visual recording of the Land Development & 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.

On a motion by Commissioner Brown, seconded by Commissioner Ferguson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the May 31, 2018 LD&T meeting.

The vote was as follows:

YES: Commissioners Brown, Ferguson and Carlson
NOT PRESENT AND NOT VOTING: Commissioners Peterson and Lewis