

Planning Commission Staff Report

November 19, 2015



Case No:	15STREETS1007
Request:	Street Closure of Emery Road from Riedling Dr. to its southeast terminus at Oaklawn Subdivision
Project Name:	Emery Road Street Closure
Location:	2900 Riedling Dr.
Owner:	Louisville Metro
Applicant:	Robin & Linda McAdams
Representative:	Kathy Matheny
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Brian Davis, AICP, Planning Supervisor

REQUEST

- Partial Street Closure of Emery Road from Riedling Dr. to its southeast terminus at Oaklawn Subdivision

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to close a portion of Emery Road. It is an unimproved right-of-way that ceased to have a purpose once the Oaklawn Subdivision was built at the southeast terminus of the street. The applicant requests to close the portion of the right-of-way that contains a portion of their residential driveway. The remainder of the right-of-way will continue to be a public green space which has been maintained by Riedlonn Subdivision and the adjoining property owners for many years.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Right-of-Way	R-5	N
Proposed	Residential Driveway	R-5	N
Surrounding Properties			
North	Single Family Residential	R-5	N
South	Single Family Residential	R-5	N
East	Single Family Residential	R-5	N
West	Single Family Residential	R-5	N

PREVIOUS CASES ON SITE

- 18303: Previous case for the same request which had previously expired.
- 1-15-81: Street Name Change from Crescent Avenue to Emery Road

15STREETS1007: On October 8, 2015 the Land Development & Transportation Committee heard the request and chose to send it to the full Planning Commission as a public hearing item. The primary concern was whether this should be a partial or full closure of this portion of Emery Road right-of-way.

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 through an existing subdivision.

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. A subdivision has been built to the southeast so 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 an adjoining lot and is an unimproved right-of-way. The existing subdivision to the southeast prevents the street from ever being continued in that direction. 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 make a recommendation to Louisville Metro Council to **APPROVE** or **DENY** the request.

NOTIFICATION

Date	Purpose of Notice	Recipients
9/24/2015	Meeting before LD&T	1 st tier adjoining property owners Subscribers to Council District 9 Notification of Development Proposals
10/16/2015	Meeting before PC	1 st tier adjoining property owners Subscribers to Council District 9 Notification of Development Proposals
11/4/2015	Legal Notice	Legal Notice in Courier-Journal

ATTACHMENTS

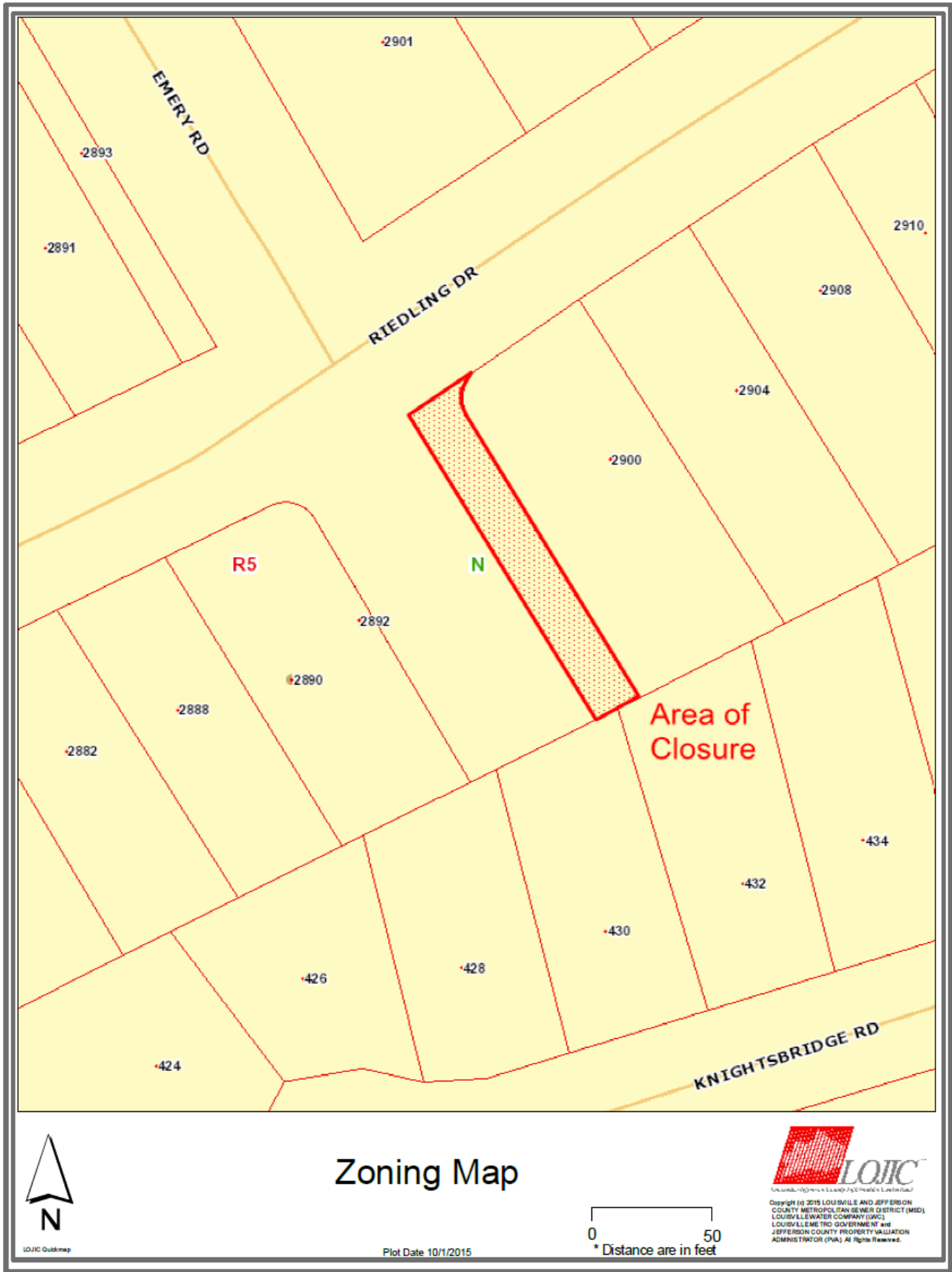
1. Cornerstone 2020 Staff Checklist
2. Zoning Map
3. Aerial Photo

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 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 to the southeast.

2. Zoning Map



3. Aerial Photo

