

**PLANNING COMMISSION MINUTES
APRIL 19, 2018**

PUBLIC HEARING

CASE NO. 18STREETS1006

NOTE: Commissioner Brown recused himself and did not vote on this case.

Request:	Closure of Public Right-of-Way
Project Name:	North 26 th Street Closure
Location:	N. 26 th Street North of I-64
Owner:	Louisville Metro
Applicant:	Louisville Metro Public Works
Applicant's Representative:	Jeff Brown – Louisville Metro Public Works
Jurisdiction:	Louisville Metro
Council District:	5 – Cheri Bryant Hamilton

Case Manager: Jay Lockett, Planner I

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

Agency Testimony:

00:16:15 Jay Lockett presented the case (see staff report and recording for detailed presentation.)

00:18:30 Paul Whitty, legal counsel for the Planning Commission, asked if there will be a Community Facilities Review for the development of this site. Mr. Lockett said that this project was approved last year and is already under construction. This request is a legal requirement to clean up an unneeded ROW.

The following spoke in favor of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

00:19:18 The Commissioners concurred that the request 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.

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Closure of Public Right-of-Way

00:20:18 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution, based on the Staff Report 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 dispossess property owners of public access. All adjacent residential lands maintain access to public infrastructure and utility services will continue to be provided to these lands; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that proposal to close the public right-of-way as described in the staff report be **APPROVED**.

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The vote was as follows:

YES: Commissioners Smith, Carlson, Lindsey, Ferguson, Tomes, and Jarboe.

NOT PRESENT: Commissioners Lewis, Howard, and Peterson.

RECUSED: Commissioner Brown.

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

March 8, 2018

New Business

Case No. 18STREETS1006

***NOTE: Commissioner Brown recused himself from hearing or voting on this case.**

Request:	Closure of Public Right-of-Way
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Council District:	5 – Cheri Bryant Hamilton

Case Manager: Jay Lockett, Planner I

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 LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:07:27 Jay Lockett presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

No one spoke.

An audio/visual recording of the Land Development and 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.

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

March 8, 2018

New Business

Case No. 18STREETS1006

The Committee by general consensus scheduled this case to be heard at the **April 19, 2018** Planning Commission public hearing.