

**Development Review Committee**  
**Staff Report**  
April 1, 2015



<b>Case No:</b>	<b>14Streets1021</b>
<b>Request:</b>	<b>Street and alley closures</b>
<b>Project Name:</b>	<b>DeSales Athletic Field</b>
<b>Location:</b>	<b>425 W. Kenwood Dr.</b>
<b>Owner:</b>	<b>Roman Catholic Bishop of Louisville</b>
<b>Applicant:</b>	<b>St. Francis DeSales High School</b>
<b>Representative:</b>	<b>Sabak, Wilson &amp; Lingo, Inc.</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>21 – Dan Johnson</b>
<b>Case Manager:</b>	<b>Latondra Yates, Planner II</b>

**REQUEST**

Closures of a portion of Lyman Ave., Northern Ave. and an unnamed alley

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The street and alley closures are related to a Category 3 Plan, variances and waivers for construction of an athletic facility, which includes lot consolidation, renovation of the existing facilities and construction of a new football stadium, soccer field and baseball stadium and press box.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

The site is zoned R-4, R-5 and C-1 and in the Traditional Neighborhood (TN) Form District. The site is surrounded by residential.

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Institutional	R-4	TN
<b>Proposed</b>	Institutional	R-4	TN
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Single-family residential	R-4	TN
<b>South</b>	Single-family residential	R-2	NFD
<b>East</b>	Single-family residential	R-4	TN
<b>West</b>	Single-family residential	R-4	TN

## PREVIOUS CASES ON SITE

- 14Devplan1154** The following were approved by BOZA March 16:
- Variance of Sec. 5.5.1. of the LDC to allow the proposed student center to not observe the 0 setback along Kenwood Dr. and Laughlin St. The requested setback along Kenwood Dr. is 126 ft., a variance of 126 ft. The requested setback along Laughlin St. is 93 ft., a variance of 93 ft.
  - Variance of Table 5.2.2. of the LDC to allow existing and proposed parking to encroach into the required 15 ft. setbacks along Kenwood Dr. and Laughlin St. The requested setbacks are 0 at their closest point, a variance of 15 ft.
  - Variance of Table 5.2.2. of the LDC to allow proposed structures along Laughlin St. to exceed the maximum 25 ft. setback. The requested setback of the visitors' field house is 218 ft., a variance of 193 ft. The requested setback of the press box is 209 ft., a variance of 184 ft.
- 14Devplan1154** The following waivers were approved at the February 4 Development Review Committee (DRC) meeting:
- Waiver of Sec. 5.5.1.A.3.a of the Land Development Code (LDC) to allow parking in front of the building; and to not provide the required 3-ft. masonry, stone or concrete wall that makes reference to a similar design in the surrounding area along Kenwood Ave. and Laughlin St.
  - Waiver of Sec. 6.2.6 of the LDC to not provide a portion of the sidewalk along Laughlin St.
  - Waiver of Sec. 10.2.4 of the LDC to eliminate the 6-ft. continuous screen from the property perimeter LBA
  - Waiver of Sec. 10.2.10 of the LDC to not provide the required VUA LBA along the existing parking lot along Kenwood Dr.
  - Waiver of Sec. 10.2.10 of the LDC to not provide the required VUA LBA along the loading area along Laughlin St.

**9-13-06** Kenwood Hill Area Wide Rezoning

## INTERESTED PARTY COMMENTS

None

## APPLICABLE PLANS AND POLICIES

Land Development Code  
Cornerstone 2020 Comprehensive Plan- See checklist attached.

## **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 street no longer functions as a public way.**

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 the cost for 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: In regards to the Comprehensive Plan compliance, the proposal results in an effective land use pattern and cost-effective infrastructure investment as the street is not being used as a public way and also allows a private entity to take care of the area instead of being maintained by Louisville Metro Government. The proposal contributes to the appropriate development of adjacent lands as the closure allows for the re-development of the site. There will be no change to the compatibility with surrounding land uses as the street has not been used as a public way for some time and there are already structures on top of parts of the street.**

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 – **Approved**

AT&T – **No Response**

MSD – **Approved**

Louisville Metro Health Department – **Approved**

Louisville Gas & Electric – **Approved**

Louisville Water Company – **Approved**

Louisville Metro Public Works – **Approved**

Historic Preservation – **Approved**

TARC – **No Response**

## STAFF CONCLUSIONS

The proposal meets or exceeds all applicable items of the comprehensive plan in regards to the Traditional Neighborhood Form District. The ROW is not used as a public way and structures have been built over the street. The closure will also allow the applicant to move forward with their development plans. All adjoining property owners have given their consent to the closure.

The case can be placed on the next available Planning Commission Consent Agenda.

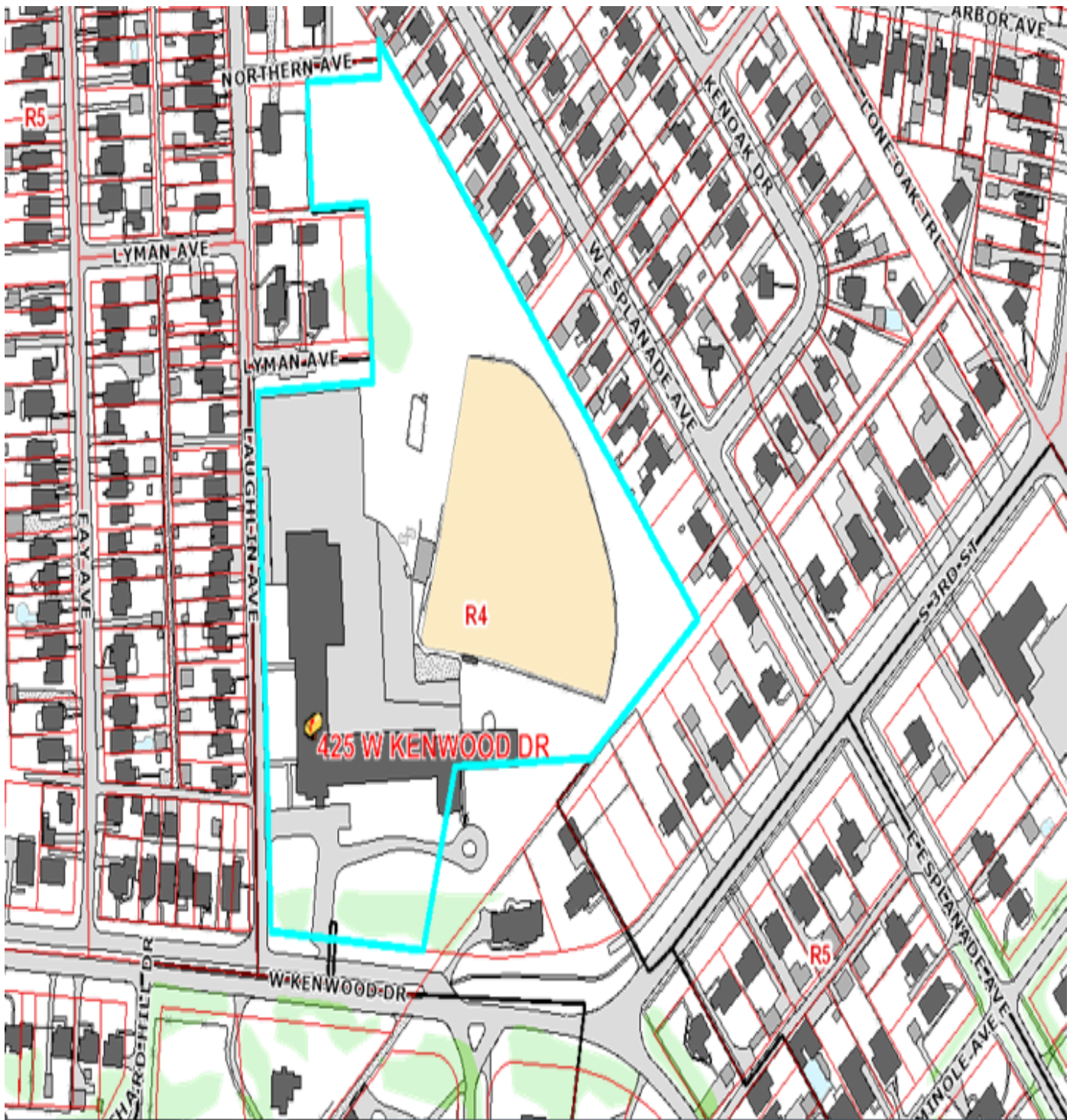
## NOTIFICATION

Date	Purpose of Notice	Recipients
1/23/2015	BOZA Meeting	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Neighborhood Notification

## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Conditions of Approval
5. Closure Plat
6. Legal Description

1. Zoning Map





2. Aerial Photograph



### 3. Cornerstone 2020 Staff Checklist

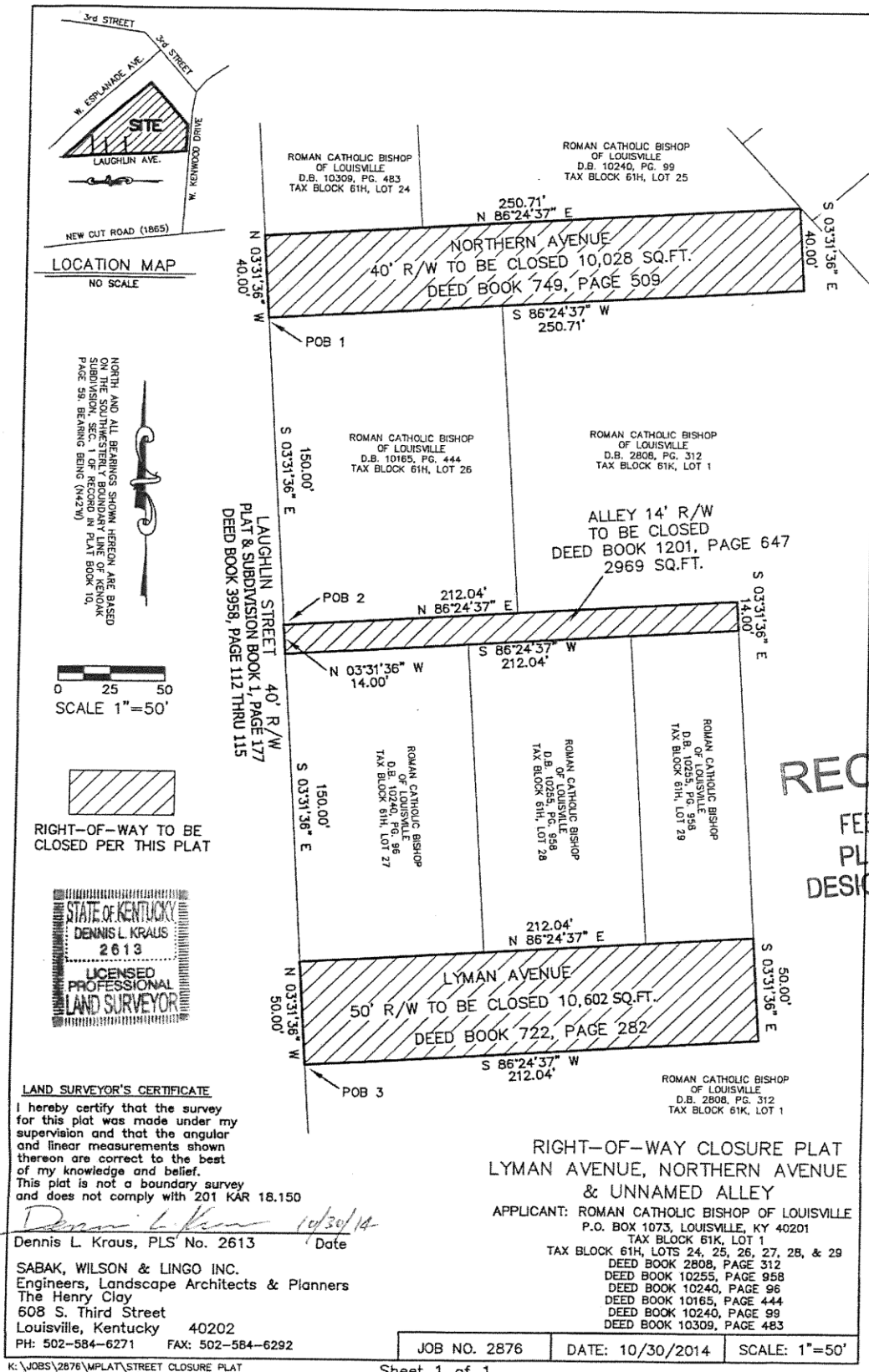
<i>Policy</i>	<i>Description of Policy</i>	<i>Comments</i>
Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	The proposal results in an effective land use pattern and cost-effective infrastructure investment as the street is not being used as a public way and also allows a private entity to take care of the area instead of being maintained by Louisville Metro Government.
Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	The proposal contributes to the appropriate development of adjacent lands as the closure allows for the re-development of the site. There will be no change to the compatibility with surrounding land uses as the street has not been used as a public way for some time and there are already structures on top of parts of the street.

**4. Conditions of Approval**

1. The closure shall be in accordance with the approved closure description and agreed upon conditions of approval unless amended by the Planning Commission.
2. All necessary easements are granted or measures must be taken that are requested by an agency, and that no construction of permanent structures shall be permitted within the easement area, and that such reservation and prohibition also be included in any litigation concerning the street closing.
3. 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 proposed project, including cost of improvements to adjacent rights-of-way and/or relocation of utilities within an existing easement.



# 5. Closure Plat



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6. Legal Description

NORTHERN AVENUE RIGHT-OF-WAY CLOSURE DESCRIPTION

BEGINNING AT THE SOUTHEAST CORNER OF LAUGHLIN AVENUE RIGHT-OF-WAY LINE AND NORTHERN AVENUE RIGHT-OF-WAY LINE, SHOWN AS POB 1; THENCE ALONG EAST RIGHT-OF-WAY LINE OF SAID LAUGHLIN AVENUE, NORTH 03°31'36" WEST (THIS AND ALL SUBSEQUENT BEARINGS REFER TO PLAT AND SUBDIVISION BOOK 10, PAGE 59, IN THE OFFICE OF THE CLERK OF JEFFERSON COUNTY, KENTUCKY), 40.00 FEET; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID NORTHERN AVENUE, NORTH 86°24'37" EAST, 250.71 FEET; THENCE ALONG THE EAST TERMINUS RIGHT-OF-WAY LINE OF SAID NORTHERN AVENUE, SOUTH 03°31'36" EAST, 40.00 FEET; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID NORTHERN AVENUE SOUTH 86°24'37" WEST, 250.71 FEET TO THE POINT OF BEGINNING. SAID RIGHT-OF-WAY CLOSURE CONTAINING 10,028 SQUARE FEET, AS SHOWN ON THE STREET CLOSURE PLAT BY DENNIS L. KRAUS, PLS NO. 2613 OF SABAK, WILSON AND LINGO, INC, DATED OCTOBER 30, 2014, ATTACHED HERETO AND MADE A PART HEREOF.

14-FOOT ALLEY RIGHT-OF-WAY CLOSURE DESCRIPTION

COMMENCING AT THE SOUTHEAST CORNER OF NORTHERN AVENUE AND LAUGHLIN AVENUE; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF SAID LAUGHLIN AVENUE, SOUTH 03°31'36" EAST, 150.00 FEET TO THE POINT OF BEGINNING, SHOWN AS POB 2; THENCE ALONG THE NORTH LINE OF A 14-FOOT WIDE ALLEY, NORTH 86°24'37" EAST (THIS AND ALL SUBSEQUENT BEARINGS REFER TO PLAT AND SUBDIVISION BOOK 10, PAGE 59, IN THE OFFICE OF THE CLERK OF JEFFERSON COUNTY, KENTUCKY), 212.04 FEET; THENCE ALONG THE EAST TERMINUS RIGHT-OF-WAY LINE OF SAID ALLEY, SOUTH 03°31'36" EAST, 14.00 FEET; THENCE ALONG THE SOUTH LINE OF SAID 14-FOOT ALLEY, SOUTH 86°24'37" WEST, 212.04 FEET; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF SAID LAUGHLIN AVENUE, NORTH 03°31'36" WEST, 14.00 FEET TO THE POINT OF BEGINNING. SAID ALLEY CLOSURE CONTAINING 2969 SQUARE FEET AS SHOWN ON THE RIGHT-OF-WAY STREET CLOSURE PLAT BY DENNIS L. KRAUS, PLS NO. 2613 OF SABAK, WILSON AND LINGO, INC, DATED OCTOBER 30, 2014, ATTACHED HERETO AND MADE A PART HEREOF.

LYMAN AVENUE RIGHT-OF-WAY CLOSURE DESCRIPTION

BEGINNING AT THE SOUTHEAST CORNER OF LAUGHLIN AVENUE RIGHT-OF-WAY LINE AND LYMAN AVENUE RIGHT-OF-WAY LINE, SHOWN AS POB 3; THENCE ALONG EAST RIGHT-OF-WAY LINE OF SAID LAUGHLIN AVENUE, NORTH 03°31'36" WEST (THIS AND ALL SUBSEQUENT BEARINGS REFER TO PLAT AND SUBDIVISION BOOK 10, PAGE 59, IN THE OFFICE OF THE CLERK OF JEFFERSON COUNTY, KENTUCKY), 50.00 FEET; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID LYMAN AVENUE, NORTH 86°24'37" EAST, 212.04 FEET; THENCE ALONG THE EAST TERMINUS RIGHT-OF-WAY LINE OF SAID LYMAN AVENUE, SOUTH 03°31'36" EAST, 50.00 FEET; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID LYMAN AVENUE SOUTH 86°24'37" WEST, 212.04 FEET TO THE POINT OF BEGINNING. SAID RIGHT-OF-WAY CLOSURE CONTAINING 10,602 SQUARE FEET AS SHOWN ON THE RIGHT-OF-WAY CLOSURE PLAT BY DENNIS L. KRAUS, PLS NO. 2613 OF SABAK, WILSON AND LINGO, INC, DATED OCTOBER 30, 2014, ATTACHED HERETO AND MADE A PART HEREOF.

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