

**PLANNING COMMISSION MINUTES
JANUARY 18, 2018**

PUBLIC HEARING

CASE NUMBER 17STREETS1013

Project Name:	Denham Partial Closure
Location:	A portion of Denham Road located northeast of the intersection of Denham Road and Drayton Drive
Owner(s):	City of Louisville
Applicant:	Constance C. Spalding, David and Pamela Murrer
Representative(s):	Joel B. Latto, OPS Engineering, LLC
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Laura Mattingly, AICP, Planner II

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

Agency Testimony:

00:13:48 Laura Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Joel B. Latto, 4530 Bishop Lane, Suite 109, Louisville, KY 40218

Summary of testimony of those in favor:

00:16:27 Joel Latto is the land surveyor working on this project. Mr. Latto spoke about the AT&T easement for utilities and provided copies of the plat to the Commissioners. He will provide them with a letter of approval for the easement when it is available.

The following spoke in opposition to this request:

No one spoke.

Deliberation

00:18:29 The Commissioners concur that the proposal is justified. Commissioner Lindsey reiterated that they will need the letter of approval for the easement.

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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.

Street/Alley Closure of a portion of Denham Road

00:19:19 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on Standard of Review and Staff Analysis 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 closure does not result in an increase in demand on public facilities or services as this is a residual piece of right of way and it does not appear that any existing utilities will be affected. 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 Committee further finds that if any existing utilities within the right-of-way proposed for closure exist, they will be retained as an easement, relocated, or other arrangements made to ensure continued maintenance and provision of services to the property and community, and

WHEREAS, the Committee further finds that any cost associated with the rights-of-way to be closed will be the responsibility of the applicant, 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 Committee further finds that the request to close the right-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

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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 right-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 are existing and will be unaffected by the proposed closure and will 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, and

WHEREAS, the Committee further finds that there are no other relevant matters to be considered by the Planning Commission; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the Street/Alley Closure of a portion of Denham Road be **APPROVED, ON CONDITION** that the AT&T easement is granted along with the recording of the road closure.

The vote was as follows:

YES: Brown, Lindsey, Lewis, Howard, Jarboe, Peterson, and Carlson
NOT PRESENT: Smith, Ferguson, and Tomes