

PLANNING COMMISSION MINUTES
December 6, 2018

CONSENT AGENDA

CASE NO. 18STREETS1016

NOTE: This case is associated with Case No. 18ZONE1035 (Item #11 on the agenda.) Complete testimony and the vote for this case is found under Case No. 18ZONE1035.

Request:	Alley Closure
Project Name:	Butchertown Apartments
Location:	Alley east of North Johnson Street at its terminus
Owner:	Louisville Metro
Applicant:	Joseph Brown and Todd Roman
Representative:	Wetterer and Clare Milestone Design Group
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith

Case Manager: **Julia Williams, AICP, Planning Supervisor**

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.)

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.

02:02:43 On a motion by Commissioner Carlson, seconded by Commissioner Howard, 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

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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 lands maintain access to public infrastructure and utility services will continue to be provided to these lands; and

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

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed closure of a public right-of-way on property described in the attached legal description be **APPROVED**.

The vote was as follows:

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YES: Commissioners Peterson, Daniels, Brown, Lewis, Howard, Carlson, and Jarboe.

NOT PRESENT: Commissioners Smith, Robinson, and Tomes.

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

November 29, 2018

New Business

Case No. 18STREETS1016

Request:	Alley Closure
Project Name:	Butchertown Apartments
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Owner:	Louisville Metro
Applicant:	Joseph Brown and Todd Roman
Representative:	Wetterer and Clare; Milestone Design Group
Jurisdiction:	Louisville Metro
Council District:	4- Barbara Sexton Smith

Case Manager: **Julia Williams, AICP, Planning Supervisor**

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:

00:27:37 Julia Williams presented the case (see staff report and recording for detailed presentation.)

00:28:05 Commissioners Brown asked to ask if this case has already been heard before or was it an extension of another case.

The following spoke in favor of the request:

Michael Marks, Wetterer & Clare, 2933 Bowman Avenue, Louisville, KY 40205

Summary of testimony of those in favor:

00:29:40 Mr. Marks, representing the applicant, explained the alley closer goes along with the zoning change application for the proposal of a 15 unit apartment complex.

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

November 29, 2018

New Business

Case No. 18STREETS1016

00:30:41 Commissioner Brown asks if they are going to do the standard salvaging process to reclaim cobblestone from the alley. Mr. Marks, replied the applicants it is in the plan to reclaim, clean, and deliver the cobblestone from the alley closure.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke

00:31:15 Commissioners' deliberation

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.

The Committee by general consensus scheduled this case to be heard at the **December 6, 2018** Planning Commission public hearing.