

**Planning Commission**  
**Staff Report**  
May 20, 2021



<b>Case No:</b>	21-STRCLOSURE-0008
<b>Project Name:</b>	Cedar Creek R/W
<b>Location:</b>	Cedar Creek Road (7509/7710 Cedar Creek Rd)
<b>Owner(s):</b>	Louisville Metro
<b>Applicant:</b>	Hogan Real Estate
<b>Representative(s):</b>	Dinsmore & Shohl, LLP
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	22 – Robin Engel
<b>Case Manager:</b>	Joel P. Dock, AICP, Planner II

**REQUEST(S)**

- **Street Closure**

**CASE SUMMARY**

The proposed street closure is associated with a proposed development abutting the area of the closure in case 20-DDP-0054 which is to be heard by DRC on May 19, 2021. The right-of-way to be closed is a portion of roadway that initially connected through to Bardstown Road and has been the subject of a past street closure approved and recorded in DB 9041, PG 42.

**STAFF FINDING**

The street closure has been adequately justified based on staff’s analysis contained in the standard of review.

**TECHNICAL REVIEW**

- Preliminary approval has been received from Louisville MSD and Transportation Planning
- No objections to the proposed closure have been received from agency reviewers. The applicant will need to follow-up with agencies requiring easements. AT&T will require a 15’ X 140’ easement with access to the cables for the closure of this section of road.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR STREET 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; and

STAFF: 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 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. AT&T will require a 15' X 140' easement with access to the cables for the closure of this section of road.

2. 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; and

STAFF: 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.

3. Comprehensive Plan – The extent to which the proposed closure is in compliance with the Goals, Objectives and Plan Elements of the Comprehensive Plan; and

STAFF: The request to close the rights-of-way is in compliance with the Goals, Objectives and Plan Elements of the Comprehensive Plan as Mobility Goal 2, Policy 2 states to coordinate use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users; Mobility Goal 2, Policy 7 states that the design of all new and improved transportation facilities should be accessible and; Mobility Goal 3, Policy 1 states to provide transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. Provide walking and bicycling opportunities to enable activity centers to minimize single-occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling; Mobility Goal 3, Policy 2 seeks to improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers; Mobility Goal 3, Policy 3 to evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices; Mobility Goal 3, Policy 5 to evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality; and 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.

4. Other Matters – Any other matters which the Planning Commission may deem relevant and appropriate; and

STAFF: There are no other relevant matters to be considered by the Planning Commission.

**REQUIRED ACTIONS:**

- **Recommend** to the Louisville Metro Council that the street closure as described in the attached street closure be **APPROVED** or **DENIED**

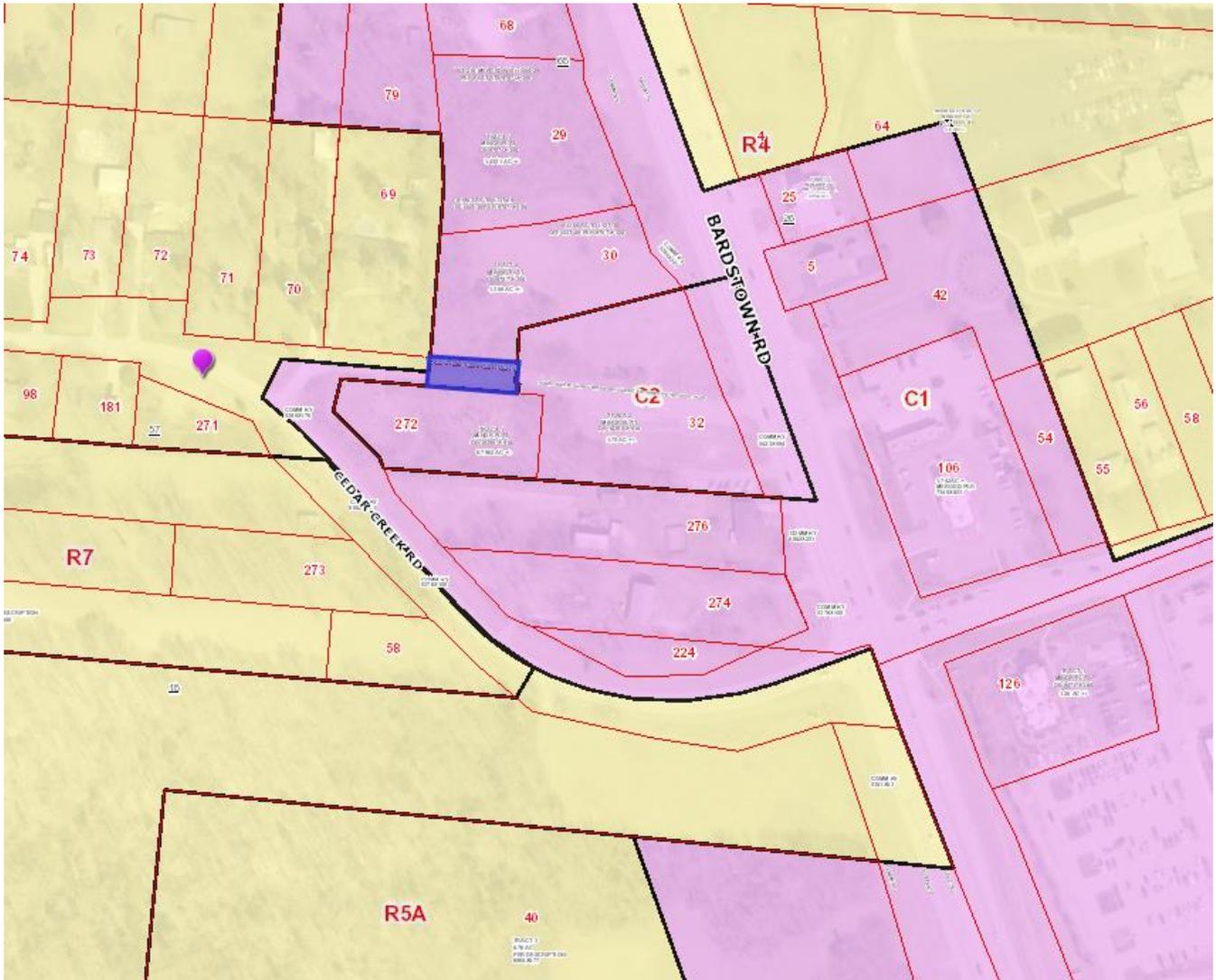
**NOTIFICATION**

Date	Purpose of Notice	Recipients
4/27/21	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 22

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph



**Land Development & Transportation Committee**  
**Staff Report**  
 May 13, 2021



<b>Case No:</b>	21-STRCLOSURE-0008
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**STAFF FINDING**

100% consent has been received from owners adjoining the portion to be closed. The application is ready for the next available consent agenda of the Planning Commission.

**TECHNICAL REVIEW**

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