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May 22, 2023

Case Manager  
Louisville Metro Planning & Design Services  
444 S. Fifth Street  
Louisville, Kentucky 40202

Re: Pre-App and formal Street Closure applications for a portion of the Fegenbush Lane Right-of-Way along property located at 5905 Fegenbush Lane

Dear Case Manager:

The Applicant is requesting to close a portion of the Fegenbush Lane Right-of-way fronting on their property located at 5905 Fegenbush Lane.

## **INTRODUCTION:**

This Application is the same application which was approved by the Planning Commission. However, it was rejected by Metro Council, after being approved through Metro Council's Zoning Committee. After the rejection at the second reading (where the Applicant is not allowed to speak), undersigned contacted the Assistant County Attorney and the two Metro Council members who spearheaded the denial of the road closure. After having their questions answered and some of their misunderstandings clarified, they supported the application, but Metro Council rules did not allow us to put the ordinance before it again, necessitating this Application being re-filed.

Pursuant to LDC 6.3.3(F)(4), the public hearing can be waived "if all owners of property adjacent to the street or ally, and affected governmental units having geographical jurisdiction, agree to the proposed closure." We believe that this Application meets these standards, and would therefore request that the public hearing be waived, allowing this case to proceed to Metro Council. Again, this plan is exactly the same as the prior filing, so all agency review has been completed previously.

## **LOCATION AND SPECIFICATIONS:**

The location of the requested closure is the northeast quadrant of the Fegenbush Lane and South Hurstbourne Parkway intersection. The closure area is currently being unmaintained. It is being used as a dumping ground as evidenced by the attached photographs. Closing the right-of-way and granting ownership of the land to the adjacent property owner will guarantee the area will be cleaned up and maintained. It will be a benefit to the community.

The existing utilities and their related easements impact and reduce the closure's amount of developable area. Please see Exhibit A demonstrating the easements to be dedicated to the utility companies and their impact on the developable area.

The closure area is residual right-of-way resulting from the realignment of Fegenbush Lane drive lanes in conjunction with the construction of South Hurstbourne Parkway. Fegenbush Lane runs north-south and was relocated to the west creating an area of vacant right-of-way to the east. Fegenbush Lane is currently 4-lanes wide with shoulders and a center median adjacent to the majority of the closure area and widens to 7-lanes with shoulders and a median at its intersection with South Hurstbourne Parkway. At the present time there is no current or future plans to widen Fegenbush Lane.

5905 Fegenbush Lane is zoned C-2 and is located in the Suburban Workplace Form District. A General District Development Plan and rezoning request to C-2 was approved for the property by Case No: 9565 October 2, 2008. To date no development has occurred on the property. There is no current Detailed District Development Plan associated with the road closure request.

Fegenbush Lane, in the area of the requested closure, is a Minor Arterial and a Metro thru road. The Louisville Metro Land Development Code Table 6.2.1 requires a Minor Arterial to provide 120ft of right-of-way i.e. 60 ft from the road pavement's centerline. The proposed road closure request will result in a variable right-of-way of 60ft to 70ft from centerline. Sufficient right-of-way width to comply with Table 6.2.1 as a result of the road closure.

The provision of adequate public facilities is accomplished by easements being granted by the Applicant to utility companies for existing utility infrastructure located in the closure area. There is an existing public sanitary sewer force main and an existing public gravity sewer line located in the closure area. There is an existing public drainage system in the closure area. The Applicant will dedicate to MSD the necessary easements to provide MSD access to the existing sewer facilities and drainage structures.

There are existing LG&E public electric overhead lines and their support infrastructure i.e. power poles and guy wires in the closure area. The Applicant will dedicate to LG&E the necessary easements to provide them access to their facilities.

The Applicant will dedicate to the Louisville Water Company an easement for a water line in the closure area.

Metro Public Works has requested sufficient right-of-way remain for a possible future 5 ft. wide walk and a 15 ft. wide verge to comply with the current Louisville Metro Land Development Code Table 6.2.2. There are no plans or any requirements to construct the walk at this time. It would most likely be constructed in conjunction with the future development of 5905 Fegenbush Lane.

Land Design and Development, Inc. has prepared an Exhibit Plan, at Metro Public Works request, to demonstrate sufficient right-of-way will be provided to comply with the current Table 6.2.2.

### **COMPREHENSIVE PLAN:**

The proposed closure is in compliance with the applicable goals and objectives of the Louisville Metro 2040 Comprehensive Plan.

Mobility Goal 1 Policies Land Use and Development (page 59)

1. To promote healthy lifestyles and reduce congestion, new development and redevelopment should provide for the movement of pedestrians, bicyclists and transit users, where appropriate by including;

1.4. sidewalks along all streets of all development;

Mobility Goal 2 Policies Land Use and Development (page 67)

1. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development

Sufficient right-of-way is being provided for a walk and verge in the right-of-way along the property frontage of 5905 Fegenbush Lane in conjunction with future development of the site.

### **CONCLUSION:**

In Conclusion, the requested road closure has been reviewed by the applicable utility companies, the Kentucky Department of Transportation, Louisville Metro Public Works and Planning and Design Services. The road closure area has been adjusted to satisfy their requirements. All requested easements will be granted by the Applicant to the appropriate utility companies. Closing the right-of-way ensures the area will be monitored for trespassing and property maintained by the private landowner. It will transfer the cost of maintenance from Louisville Metro to the private sector and increase the tax base.

We look forward to answering any questions you may have regarding this development.

Sincerely,

John C. Talbott

Cc: David Elder and Matthew Elder, applicants  
Ann Richard, Land Design & Development, Inc.