

PLANNING COMMISSION MINUTES
February 21, 2019

PUBLIC HEARING
CASE NO. 18STREETS1025

Request:	Closure of Public Right-of-Way
Project Name:	Goodfellas Pizza Alley Closure
Location:	1250 East Broadway
Owner:	Louisville Metro
Applicant:	Louisville Metro
Representative:	Long Construction Management
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Jay Luckett, AICP, Planner I

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:

00:17:47 Mr. Luckett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Ken Combs, 2604 Evergreen Wynde, Louisville, Ky. 40223

Summary of testimony of those in favor:

00:26:39 Mr. Combs stated since the alley has been closed off, there have been major problems with drugs, alcohol, trash and people sleeping there. It needs to be opened and cleaned up. Before the alley was closed, these problems did not exist.

The following spoke neither for nor against the request:

Jim Scorch, 1503 East Breckinridge Street, Louisville, Ky. 40204

Summary of testimony of those neither for nor against:

00:21:51 Mr. Scorch, president of the Regional Highlands Neighborhood Association, said they don't have a position but are concerned about Public Works

PLANNING COMMISSION MINUTES
February 21, 2019

PUBLIC HEARING
CASE NO. 18STREETS1025

removing bollards that will open the alley up to Baxter. There has been a lot of speeding in the past and is a safety issue.

Deliberation

00:29:26 Planning Commission deliberation. Commissioner Brown said there's no intention to change the direction of the traffic on any of the surrounding alleys.

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.

Closure of public right-of-way

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, 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 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, 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 Louisville Metro Planning Commission finds, 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

PLANNING COMMISSION MINUTES
February 21, 2019

PUBLIC HEARING
CASE NO. 18STREETS1025

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

WHEREAS, the Louisville Metro Planning Commission further finds there are no other relevant matters to be considered by the Planning Commission.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council to **APPROVE** the closure of the alley adjacent to 1250 E. Broadway, **SUBJECT** to the following Conditions of Approval:

1. Prior to the recording of the street closure plat, the applicant will provide an easement for AT&T to maintain access to existing equipment located within the closure area. The easement shall be shown as "granted" on the final plat.
2. Bricks within the alley right-of-way proposed to be closed shall be removed and salvaged at the applicant's expense in accordance with the Salvage Ordinance.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Lewis, Tomes and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Howard, Peterson, Robinson and Smith