

PLANNING COMMISSION MINUTES

OCTOBER 5, 2006

CONSENT AGENDA

(3) DOCKET NO. 1-03-06

Request: Close a section of Rigel Road from its NW intersection with Orion Road, running NW a maximum distance of 366.61 to its stub.

Applicant: Milltrust II, LLC
Rowland Miller, Trustee
635 West Main Street
Louisville, KY 40202

Attorney: Marshall Eldred
Frost Brown Todd LLC
400 West Market Street 32nd Floor
Louisville, KY 40202

Staff Case Manager: Doris J. Heyman, Associate Planner.

This request met the requirement for a non-hearing procedure street closure. It was reviewed by the Land Development and Transportation Committee on September 28, 2006 and scheduled for consideration by the full commission today.

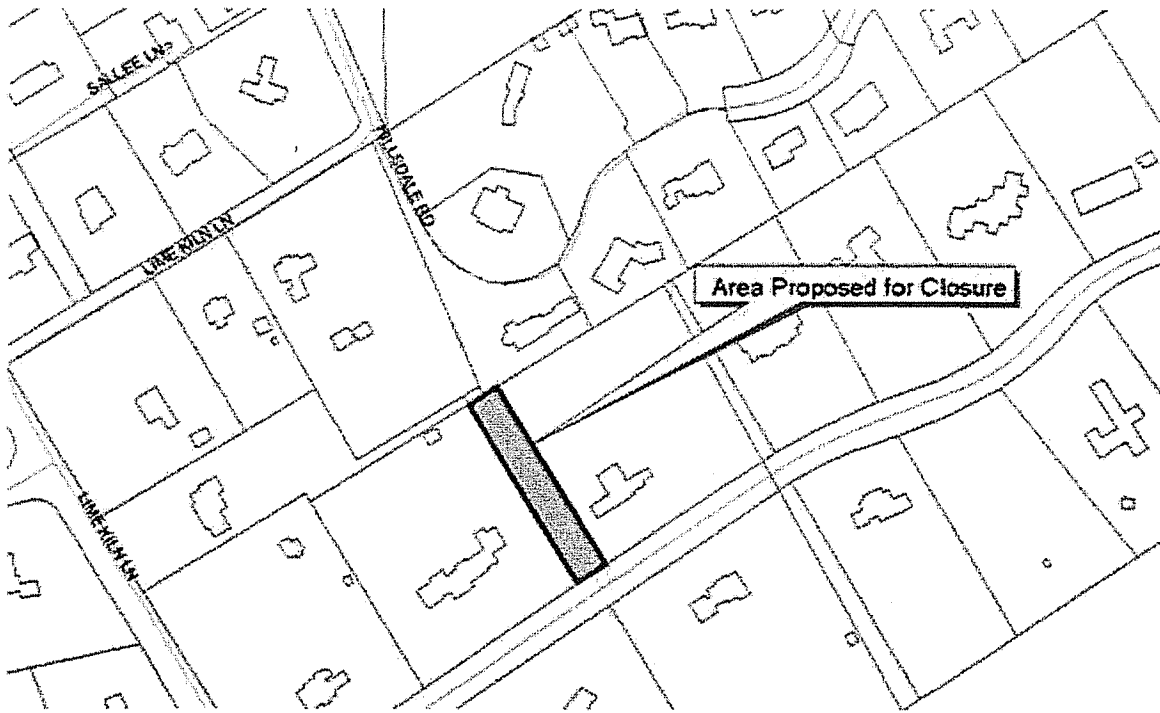
Request

The applicant requests to close a section of Rigel Road from its northwestern intersection with Orion Road, running northwest a maximum distance of 366.61 feet, containing 22,350 square feet and being in Louisville Metro.

Staff Recommendation

APPROVAL/CONSENT AGENDA OF PUBLIC HEARING ON OCTOBER 5, 2006

This request has met the requirements of Section 6.3.3, Street or Alley Closing of the Development Code. All responding agencies stated "no objection" No responding agencies identified an existing or future use for the proposed closure. Staff recommends this request be forwarded to the **Consent Agenda** of the public hearing on **October 5, 2006** under section 6.3.3 F.



STAFF COMMENTS:

1. 100% of the adjoining property owners signed, notarized consent to the proposed street closure has been submitted. Under Article 6.3.3 F- 4 of the Development Code, a public hearing **will not** be required.
2. The applicant states the reason for the request is as follows: "This portion of Rigel Road is not used by the public as a road. It is used by adjoining property owners as a private driveway and as their yard. There is a private driveway, shed and swing set currently located with in the boundaries of this road "

AGENCY COMMENTS:

Harrods Creek Fire Protection – No objection
Louisville Design Review Team - No objection
MSD – No objection
Louisville Gas & Electric- No objection
Metro Health Department- No objection
Louisville Metro Historic Preservation District- No objection
Louisville Water Company – No objection
Louisville Historic Preservation- No objection
E-911- No objection
Metro Parks- No objection
Transit Authority of the River City (TARC)- No objection
Air Pollution Control District- No objection

<i>Policy</i>	<i>Description of Policy</i>	<i>Comments</i>
C2.4	Access and Circulation- Connected Network of Streets/Street Pattern	Staff finds apparent compliance due to no loss of existing connectivity
Guideline 6 Mobility & Transportation	Access to surrounding land uses	Staff finds apparent compliance due to existing adequate access for surrounding land uses

Considerations for Approval of a Street or Alley Closing

1. The considerations for closure of a street are: Adequate Public Facilities:
No closure of any public right of way shall be approved where an identified current or future need for the facility exists.
2. 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.

Standard Conditions of Approval

1. The closure shall be in accordance with the approved closure plat and agreed upon conditions of approval unless amended by the Planning Commission.
2. All necessary easements are granted or measures must be taken that are requested by an agency, and that no construction of permanent structures shall be permitted within the easement area, and that such reservation and prohibition also be included in any litigation concerning the street closing.
3. 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 proposed project, including cost of improvements to adjacent rights-of-way and/or relocation of utilities within an existing easement

All conditions of approval stated in this report are accepted in total without exception by the entity requesting approval of this street closure.

A summary of this request was presented by staff

On a motion by Commissioner Wells-Hatfield, the following resolution was unanimously adopted:

WHEREAS, the Commission finds the proposal to be in compliance with all applicable guidelines of the Comprehensive Plan; now, therefore be it

RESOLVED, That the Louisville Metro Planning Commission does hereby **FIND**, the request to close a section of Rigel Road from its NW intersection with Orion Road, running NW a maximum distance of 366.61 to its stub more particularly described in the attached legal description, to be **IN ACCORDANCE** with the guidelines, principles, and objectives of the Comprehensive Plan and does hereby **RECOMMEND** to the Louisville Metro Council that it be **CLOSED ON CONDITION** that all necessary easements are granted or measures are taken that are requested by an agency, and that no construction of permanent structures shall be permitted within the easement area, and that such reservation and prohibition also be included in any litigation concerning the street closing.

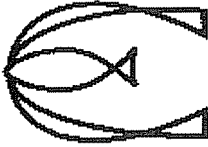
The vote was as follows:

YES: Commissioners Ernst, Wells-Hatfield, Blake, Abstain, Howard, Jones, and Queenan.

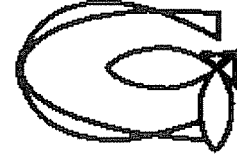
NO: No one.

NOT PRESENT: Commissioners Carlson, Adkins, and Hamilton.

ABSTAINING: No one.



EVANS/GRIFFIN, INC.
Engineers & Land Surveyors



4010 Dupont Circle, Suite 178, Lexington, KY 40507
(502) 893-9611 FAX (502) 899-9612 No. of Men: 1021, 101, 8167
E-Mail: evansgriffin@aol.com

November 14, 2005

E/G# 2005-59

**DESCRIPTION
FOR
RIGEL ROAD CLOSURE**

Beginning at a point in the north line of Orion Road common to the southwest corner of a tract of land conveyed to Multrust II, LLC by deed of record in Deed Book 7270, Page 411 in the Office of the County Court Clerk, Jefferson County, Kentucky; Thence along said line of Orion Road South 53 deg. 56 min. 00 sec. West, 60.11 feet; Thence leaving said line of Orion Road North 32 deg. 33 min. 52 sec. West, 366.61 feet; Thence North 32 deg. 27 min. 55 sec. West, 15.00 feet; Thence North 57 deg. 07 min. 00 sec. East, 30.32 feet; Thence South 31 deg. 14 min. 00 sec. East, 15.00 feet; Thence North 56 deg. 56 min. 00 sec. East, 30.00 feet; Thence South 32 deg. 33 min. 52 sec. East, 363.38 feet to the point of beginning and containing 22350 square feet.

Being a portion of Rigel Road as shown on the plan of Glenview Heights of record in Plat and Subdivision Book 7, Page 152 in the Office of the County Court Clerk, Jefferson County, Kentucky

James S. Griffin
FEB. 24, 2006

TIMOTHY B. FOUTS
 MADELEINE Y. FOUTS
 3700 HILLSDALE RD.
 LOUISVILLE, KY. 40222
 D.B. 8500, PG. 917

LEE KENT WILCOX
 AN DOMETTE B. WILCOX
 3737 LIME KILN LANE
 LOUISVILLE, KY. 40222
 D.B. 4331, PG. 500

N57°07'00"E
 30.32'

S31°14'00"E
 15.00'

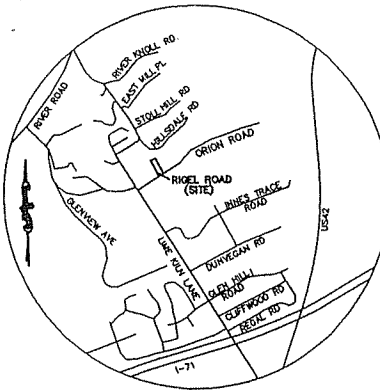
N56°56'00"E
 30.00'

N32°27'55"W
 15.00'

LI ZHANG
 3535 LIME KILN LANE
 LOUISVILLE, KY. 40222
 D.B. 7910, PG. 635

LAWRENCE R. ROUBEN
 5819 ORION RD.
 LOUISVILLE, KY. 40222
 D.B. 8521, PG. 188

MILTRUST II, LLC.
 C/O JP MORGAN CHASE BANK
 635 W. MAIN ST.
 LOUISVILLE, KY. 40202
 D.B. 7270, PG. 411



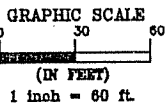
VICINITY MAP
 NOT TO SCALE

RECEIVED
 FEB 16 2006

PLANNING & DESIGN SERV.

APPROVED:
 LOUISVILLE METRO PLANNING
 COMMISSION

DATE October 5, 2006
 BY [Signature]



STATE OF KENTUCKY
 JAMES L. GRIFFIN
 1828
 LICENSED
 PROFESSIONAL
 LAND SURVEYOR

UNADJUSTED CLOSURE FOR THIS TRACT EXCEEDS 1 PART IN 10,000 PLUS 0.10 FEET. THIS TRACT HAS NOT BEEN ADJUSTED FOR CLOSURE

THE REFERENCE MERIDIAN IS THE BEARING NORTH 56 DEGREES 56 MINUTES 00 SECONDS EAST ALONG THE NORTH LINE OF GLENVIEW HEIGHTS SUBDIVISION PER PLAT BOOK 7, PAGE 152, IN THE OFFICE OF THE CLERK OF JEFFERSON COUNTY, KY.

LAND SURVEYOR'S CERTIFICATE

I hereby certify that this plat and survey were made under my supervision, and that the angular and linear measurements, as witnessed by monuments shown hereon, are true and correct to the best of my knowledge and belief. This survey and plat meet or exceed the minimum standards of governing authorities.

[Signature] 1828 11/14/05
 (Signature) PLS # Date

EVANS/GRIFFIN, INC.
 Engineers & Land Surveyors
 4010 DuPont Circle
 Suite 478
 Louisville, Kentucky 40207
 (502) 899-9811 Fax (502) 899-9812

RIGEL ROAD CLOSURE

Date: 11/10/05
 Project No.: 2005-59
 Drawing Name: 2005-59.DWG Sheet 1 of 1