

Planning Commission

Staff Report

May 15, 2014



Case No:	19042
Project Name:	Portland Promise Center
Location:	1800 Portland Avenue and 1810 R Portland Avenue
Owner(s):	Portland Promise Center Inc.
Applicant:	Portland Promise Center Inc.
Representative(s):	Drew Watkins
Project Area/Size:	0.64 Acres
Existing Zoning District:	M-2 and R-6
Existing Form District:	TN
Jurisdiction:	Louisville Metro
Council District:	5-Cheri Bryant Hamilton
Case Manager:	Julia Williams, AICP, Planner II

REQUEST

- Waivers:
 1. Parking Waiver from Chapter 9.1.3 to reduce the required amount of parking spaces from 63 to 20 and to permit the use of on-street parking spaces not directly abutting the property per Chapter 9.1.10.D resulting in a 68% waiver request.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The proposal is to reuse an existing structure that was historically a tobacco handling building back in 1890. It has also been used for a variety of commercial and light industrial uses. CM permits C-2 and M-1 uses. 6 on-site parking spaces are proposed while 14 on street parking spaces are provided. The site is located in a mixed use area with medium to heavy industrial uses permitted nearby in existing M-2 and EZ-1 zones. There is also residential adjacent to the site and in the area.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Industrial/Vacant residential	M-2/R-6	TN
Proposed	Commercial and Industrial	CM	TN
Surrounding Properties			
North	Residential	R-6	TN
South	Industrial/Residential	M-2/R-6	TN
East	Industrial/Residential	EZ-1/R-6	TW
West	Residential	R-6	TN

PREVIOUS CASES ON SITE

None.

INTERESTED PARTY COMMENTS

Danny McDole, President
Gary Watrous, Vice President
Gerald Cummins Jr., Treasurer
Mary Turner, Secretary



c/o Neighborhood House
201 N 25th Street
Louisville, KY 40212
www.portlandnow.org

February 12, 2014

Metro Land Development and Transportation Committee
c/o Louisville Metro Planning and Design Services
444 S. 5th Street - Suite 300
Louisville, KY 40202-4313

RE: Portland Promise Center Rezoning Request, Case #19042
Case Manager: Julia Williams

Dear Committee:

This letter is written to you documenting the conditional support from Portland Now Inc. for the request by the Portland Promise Center Inc. to change their zoning from M-2 to CM.

Our support is conditional upon adding a binding element to their request that prohibits the following uses:

- Manufacturing of any alcoholic beverage;
- Manufacturing of Firearms;
- Manufacturing of Tobacco or Tobacco Products;
- Adult Entertainment;
- Tattoo, body art, and piercing parlors;
- Billiard parlors, game rooms, and similar entertainment uses;
- Bingo halls and parlors;
- Any establishment holding a retail malt beverage license, retail package liquor license, or any other ABC license allowing the sale of alcohol, except for restaurant establishments wishing to sell wine or beer with their meals including combination restaurant/micro-breweries.
- Poultry or rabbit or other animal, packing or slaughtering.
- Adhesives manufacture and packing
- Chemical manufacture and packing

Please enter these comments into the record as the approved opinion of Portland Now, Inc., its Board of Directors and Neighborhood Revitalization Committee members.

Sincerely,

Gary Watrous
Vice-President, Portland Now, Inc. Co-Chair of PNI Revitalization Committee

cc: Cheri Bryant-Hamilton, 5th District Metro Council

APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code

- Portland Neighborhood Plan (approved 2/28/08)
 - The site is located in subarea 5 where the Neighborhood Plan encourages investment and rehabilitation along Portland Avenue.
 - Promote “neighborhood-friendly” commercial uses and scale. (Examples: coffee roasters, bakery, microbrewery, specialty printing (like Heid), fish processing (like Shuckman’s).
 - The building is listed within the neighborhood plan as being a site to be included in an individual list for the National Register of Historic Places
 - A recommendation out of the neighborhood plan was to conduct a zoning study of properties zoned M-2 to determine existing use and recommend appropriate zoning based on the current use of the property and the ability for future mixed-use redevelopment.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR A PARKING WAIVER

In granting a General Parking Waiver to allow a 32% reduction in parking spaces the Planning Commission must find that:

a. All General Parking Waivers

1. The Parking Waiver is in compliance with the Comprehensive Plan; and

Staff: The majority of the parking for the site is located on the street. Due to the existing nature of the adjacent businesses, there is sufficient parking in the area that could be utilized by the site while not technically counting towards their parking. The mixed use nature of the proposal and the amount of on street parking available around the site and in area indicates that adequate parking is available.

2. The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions;

Staff: The applicant is utilizing available credits for reducing the parking on the site (transit credit and National Register eligibility). The vacant R-6 lot is being requested to be zoned to accommodate some off street parking.

b. Waivers to Reduce the Minimum Number of Required Parking Spaces

1. The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use; and

Staff: The applicant is utilizing available credits for reducing the parking on the site (transit credit and National Register eligibility). The vacant R-6 lot is being requested to be zoned to accommodate some off street parking. Since the structure is proposed for mixed use it is anticipated that a variety of uses will utilize the structure overtime. The waiver request presents the worst case scenario with the entire building being utilized for commercial.

2. Adjacent or nearby properties will not be adversely affected; and

Staff: There are a sufficient number of on street parking spaces in the area that will accommodate the use without affecting the adjacent residential.

3. The requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use; and

Staff: The parking requirements used for this proposal were for department/discount stores which has a parking requirement that generally covers any commercial use in the traditional form. The

proposal is for the site to be mixed use but different users are anticipated overtime. With those users being unknown it was thought to anticipate the worst case scenario for parking currently and in the future.

4. That there is a surplus of on-street or public spaces in the area that can accommodate the generated parking demand;

Staff: There is sufficient parking in the area which would accommodate the additional spaces needed if necessary. There are a variety of uses in the area which all utilize on street parking in different ways.

TECHNICAL REVIEW

All technical review comments have been addressed.

STAFF CONCLUSIONS

Staff did not calculate the parking waiver percentage correctly when the case was first heard for the zoning. The correct percentage is a 68% reduction in parking which requires Legislative action. The Planning Commission approved the parking waiver at the April 3, 2014 Planning Commission hearing.

The request is for corrective action to make a recommendation to Metro Council for approval or denial of the parking waiver.

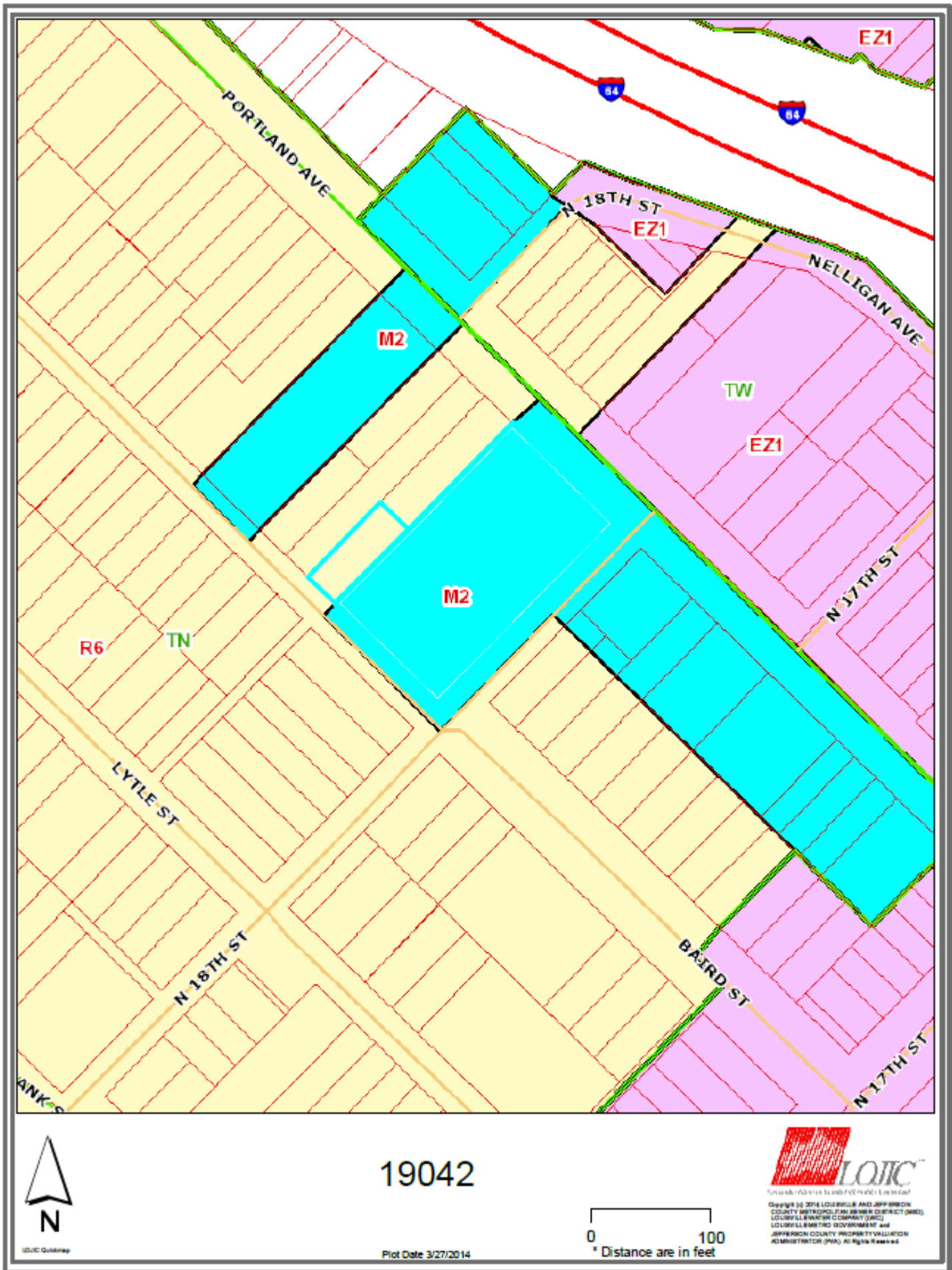
NOTIFICATION

Date	Purpose of Notice	Recipients
1/30/14	Hearing before LD&T on 2/13/14	1 st and 2 nd tier adjoining property owners Subscribers of Council District 5 Notification of Development Proposals
3/19/14	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 5 Notification of Development Proposals
3/19/14	Hearing before PC	Sign Posting on property
3/26/14	Hearing before PC	Legal Advertisement in the Courier-Journal
5/3/14	Hearing before PC on May 15, 2014	1 st and 2 nd tier adjoining property owners Subscribers of Council District 5 Notification of Development Proposals

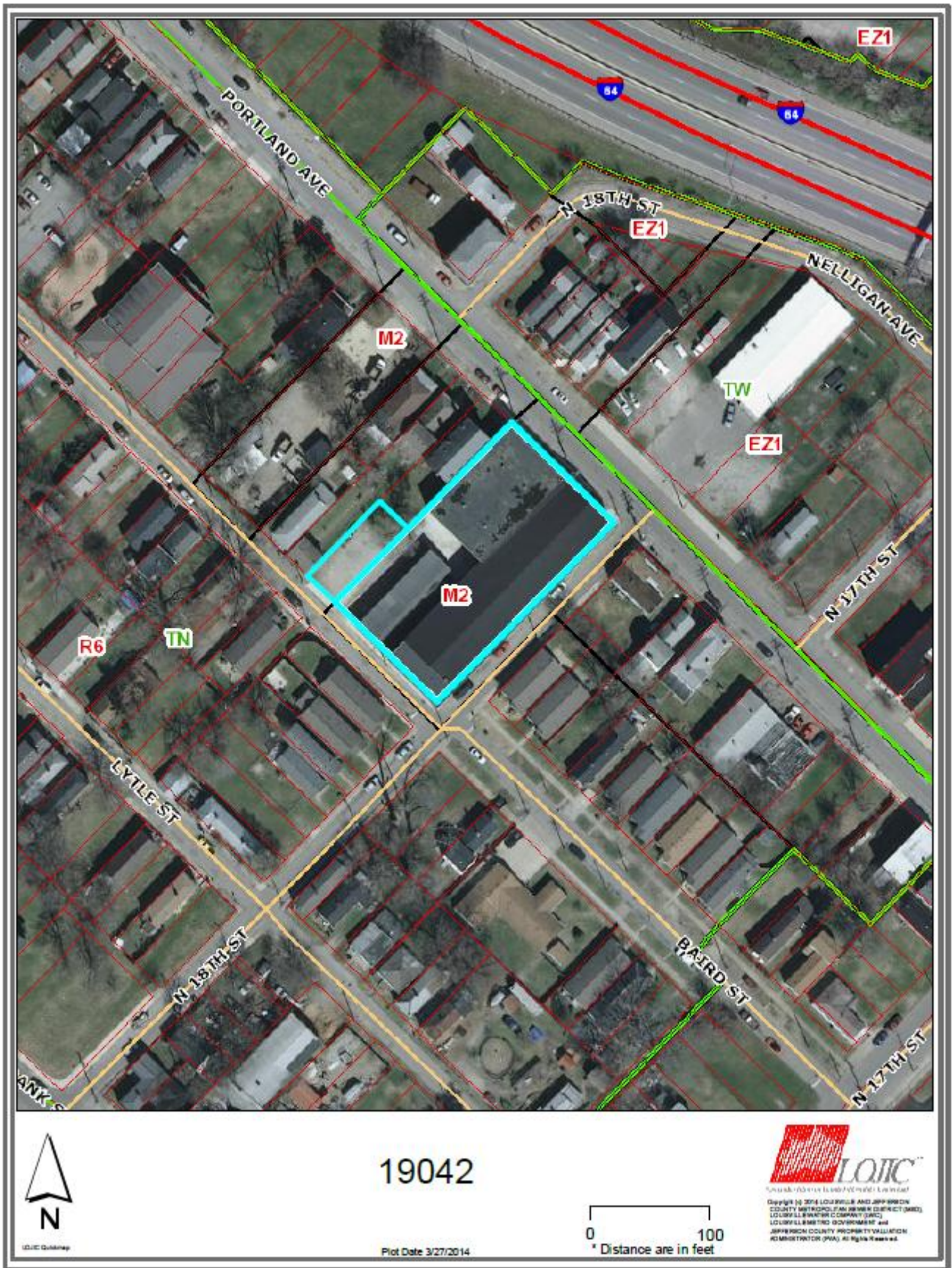
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Applicant's Justification Statement

Attachment 1: Zoning Map



Attachment 2: Aerial Photograph



Attachment 3: Applicant's Justification Statements

Parking Waiver Justification:

In order to justify approval of any parking waiver, the Planning Commission considers the following criteria. Please answer **all** of the following items. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

For all Parking Waivers:

1. The Parking Waiver is in compliance with the Comprehensive Plan.

The parking waiver is in compliance with the comprehensive plan because there is adequate parking to accommodate the proposed use as demonstrated in the parking study, along with availability of transit, pedestrian, and bicycle facilities, so the waiver will not adversely impact the neighborhood

2. The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions.

The applicant is constructing a new off-street parking lot on an adjacent lot under same ownership to provide additional parking spaces; will utilize 16 on-street spaces immediately adjacent to the site, and; proposes to use and additional 30 on-street spaces in close proximity to the site

For Waivers to reduce the minimum number of required parking spaces: OR use on-street parking spaces that are not directly adjacent to or abutting the development site; OR use parking spaces located in a public parking lot:

1. The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use.

The waiver has been based on the smallest possible reduction of parking spaces after available TARC and NRHP eligibility credits have been considered, along with all available on street parking immediately adjacent to the site

2. Adjacent or nearby properties will not be adversely affected.

There is adequate parking demonstrated through the associated parking study

3. The requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use.

There is adequate parking demonstrated through the associated parking study

4. There is a surplus of on-street or public spaces in the area that can accommodate the generated parking demand.

There is adequate parking demonstrated through the associated parking study