

# Planning Commission Staff Report

April 6, 2017



<b>Case No:</b>	17WAIVER1003
<b>Project Name:</b>	809 Market Street
<b>Location:</b>	809 E. Market Street
<b>Owner(s):</b>	Shelby Market Properties, LLC
<b>Applicant:</b>	LMS Design – Lindsey Stoughton
<b>Representative(s):</b>	LMS Design – Lindsey Stoughton
<b>Project Area/Size:</b>	N/A
<b>Existing Zoning District:</b>	EZ-1, Enterprise Zoning District
<b>Existing Form District:</b>	TMC, Traditional Marketplace Corridor
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Barbara Sexton Smith
<b>Case Manager:</b>	Joel P. Dock, Planner I

## REQUEST

- **Parking Waiver**

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is requesting a parking waiver to eliminate all parking required for a proposed outdoor dining area to the rear of the structure fronting on E. Market Street and being associated with an abutting restaurant/bar at 807 E. Market Street. The applicant is using multiple parking reductions to reduce the requirement (9 parking spaces); including, being located within 200' of a transit route, meeting two design criteria listed in appendix 5A of the land Development Code (site located within ½ mile of 10 basic services and using an open grid paving system for at least 50% of paved surfaces in the development site – outdoor patio), and substituting bicycle parking for up to 5% of vehicle parking. Previously the applicant proposed additional bike parking spaces to meet the reduction criteria, but upon further investigation it became infeasible. Utilizing these reductions the required parking for the outdoor dining area is reduced to a total of 6 spaces. Credit for on-street parking directly abutting the site is reduced to 1 space as the result of a future streetscape plan to convert angular, back-out parking to parallel spaces; thus, the applicant is requesting to waive 5 spaces.

The subject site is located in the *NuLu* overlay district, East of the central business district of downtown Louisville. The area retains much of its historic design pattern with buildings at the right-of-way encouraging pedestrian movement between multiple establishments. The *NuLu* district is a mixed-use area known primarily for its collection of arts, entertainment, and unique eateries.

This case was continued from the LD&T meeting on March 23, 2017 in order for the applicant to provide further details on the location of bike parking and for staff to clarify the requirements of the previously requested reductions, as well as confirming the appropriate method for calculating bicycle parking. With the elimination of the previously proposed reduction (provide three times the minimum requirement of the LDC for long and short term bike parking ) requiring twelve short-term spaces and six long term spaces, six short term bike parking spaces and two long term spaces are required. Short term spaces will be provided on Market Street and long term spaces will be provided indoors.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Restaurant/bar/vacant	EZ-1	TMC
<b>Proposed</b>	Outdoor dining (809 E. Market Street)	EZ-1	TMC
<b>Surrounding Properties</b>			
<b>North</b>	Single-family residential	EZ-1	TMC
<b>South</b>	Mixed-use	EZ-1/C-2	TMC
<b>East</b>	Mixed-use	EZ-1	TMC
<b>West</b>	Mixed-use	EZ-1	TMC

**PREVIOUS CASES ON SITE**

Staff found no previous or associated cases on-site.

**INTERESTED PARTY COMMENTS**

Staff received opposition letters from an adjoining property owner to the West. The property owner cited the need for client parking for these businesses and the lack of availability during both day and evening hours. He stated that the future streetscape plan will also result in an additional loss of parking for businesses as back-out parking is to be converted to parallel. He feels that surrounding businesses use more than their allotted share which also reduces available spaces and his ability to attract to tenants.

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code

**TECHNICAL REVIEW**

Land Development Code, section 9.1.16.A.3.a.i allows the Planning Director (or designee) to approve parking waiver reductions of 10% or less or five (5) spaces or less (no matter the percentage). Notice is to be sent to all 1<sup>st</sup> and 2<sup>nd</sup> tier property owners, any property owner within 100 feet of any on-street parking spaces or public parking lot proposed to be used to meet the requirements of this part, neighborhood groups who have registered with PDS to receive notices of development actions, and the metro council district representative. Notice to satisfy these requirements was provided. Based on public comments prompted by the notification the director or designee may choose to bring the proposed parking waiver to the Development Review Committee (or LD&T) for further review. Staff decided it was in the best interests of the public, having received opposition on the proposal that a public forum be provided for additional input. Notice was provided in accordance with the aforementioned requirements.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR PARKING WAIVER**

All General Parking Waivers:

- (i) The Parking Waiver is in compliance with the Comprehensive Plan; and

STAFF: The proposed waiver is in compliance with the comprehensive plan as Guideline 6, policies 3 and 5 encourage redevelopment and reinvestment in downtown, older, and declining neighborhoods consistent with the form district pattern, as well as targeted districts such as the *NuLu* area. Guideline 7, policy 3 encourages higher density mixed-use development reducing the need for multiple automobile trips and encouraging mobility choice. Guideline 9, Policies 1, 2, & 4 call for development

which supports and accommodates the movement and parking of pedestrians on foot or on bike, as well as promoting use of public transportation. The proposed parking waiver is to allow for an existing bar to create a formal outdoor seating area at the rear of the property. The reduction of parking will allow for the redevelopment and continued growth of a targeted area of unique restaurant and arts district in the urban area of the City, known as *NuLu*. This area is well supported by public transportation and within walking and biking distance from nearby residential neighborhoods. Bicycle parking will be supported as the minimum standards for bicycle parking is being exceeded. Automobile trips to a specific establishment will be minimized by the overall attraction of the area and surrounding services.

- (ii) 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 site is constrained with no location for expanded parking facilities. Additionally, the *NuLu* overlay guidelines discourage the construction of off-street parking facilities.

Waivers to Reduce the Minimum Number of Required Parking Spaces:

- (i) 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; and

STAFF: The site is constrained with no location for expanded parking facilities. Additionally, the *NuLu* overlay guidelines discourage the construction of off-street parking facilities. Parking will be mitigated by multiple modes of transport (bikes, foot, and bus) provided to the area. Trips to *NuLu* are supported by an attraction to many services and amenities, and generated by both local residents and tourists.

- (ii) The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use; and

STAFF: The reduction requested is the smallest amount in order to accommodate the proposed use as parking is unavailable and new off-street spaces are discouraged by the *NuLu* overlay guidelines.

- (iii) Adjacent or nearby properties will not be adversely affected; and

STAFF: Adjacent or nearby properties will not be significantly impacted by the proposal to reduce the minimum parking requirements as the restaurant to be expanded is located in an area that serves as a hub for the growth of the restaurant, entertainment, and arts culture in Louisville Metro and the area is centrally located to accommodate multiple modes of transportation, specifically TARC trips. The hours of operation of the restaurant extend well beyond normal operating hours of adjacent non-restaurant businesses.

- (iv) 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: *NuLu* overlay guidelines discourage the construction of off-street parking facilities. The regulations contained within the LDC, Table 9.1.2 do not accurately reflect the relationship between parking and growth in urban areas that have not been designed to accommodate suburban parking standards, but instead have been designed to attract people through multiple modes of transportation from residential populations in close proximity to the area.

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

STAFF: Parking is strained at times in the area during peak hours, but public transportation and other forms of transportation are readily available and the historic design and character of the area encourages pedestrian movement.

### STAFF CONCLUSIONS

The parking waiver appears to be adequately justified with respect to conformance with the Comprehensive Plan.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Land Development & Transportation Committee must determine if the proposal meets the standards established in the LDC for approving a parking waiver.

### REQUIRED ACTIONS

- **APPROVE** or **DENY** the parking waiver

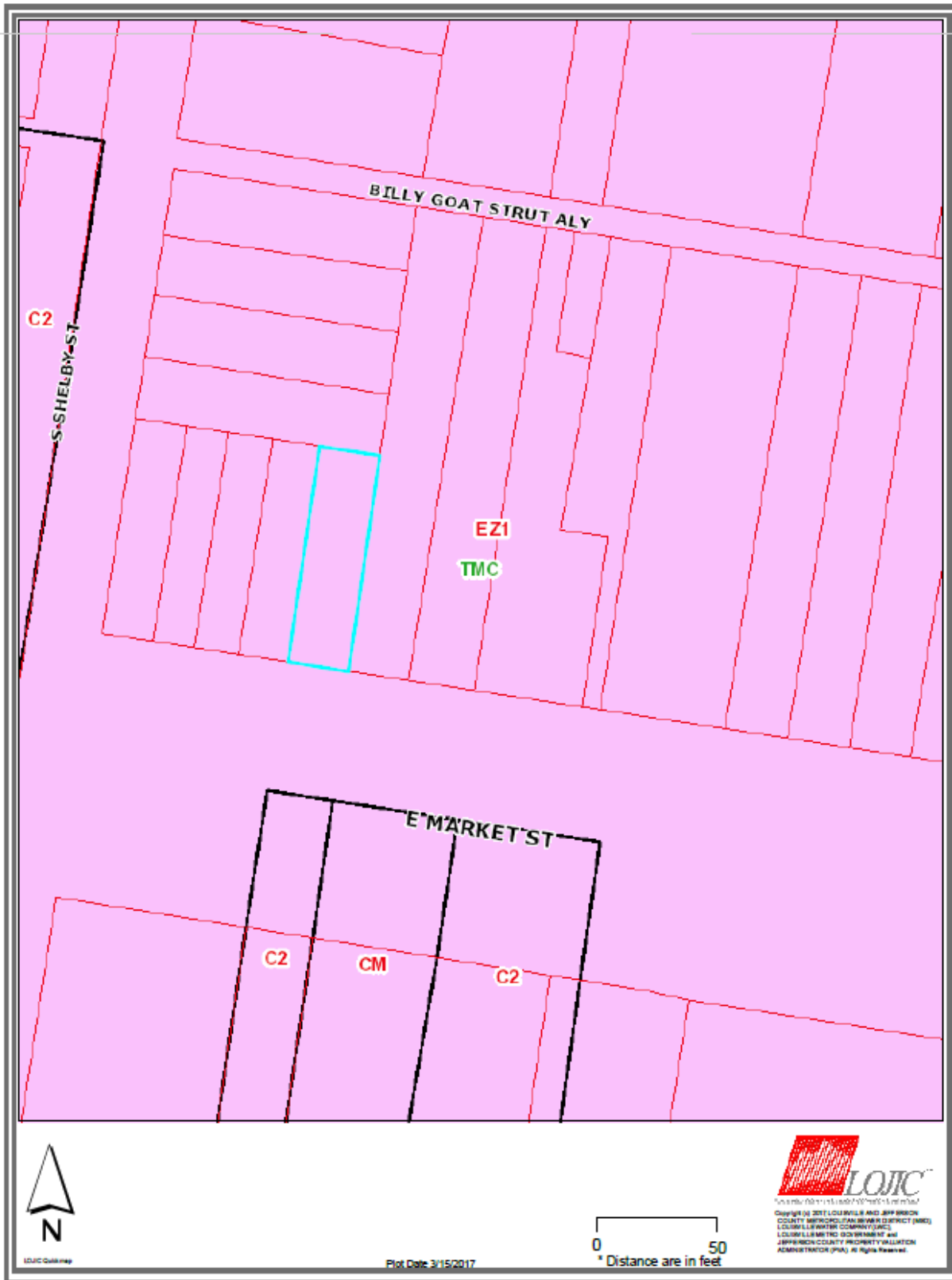
### NOTIFICATION

Date	Purpose of Notice	Recipients
3/9/17	Hearing before LD&T	Adjoining property owners, applicant, owner, and registered users of Council District 4

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

