

Planning Commission Staff Report

April 3, 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

- Change in zoning M-2 and R-6 to CM
- 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 32% waiver request.
 2. Waiver from Chapter 10.2.4 to permit the encroachments of and existing building and paving into a required 15' LBA along the northwest property line with a distance of 122'.
 3. Waiver from Chapter 10.2.4 to reduce the 15' LBA along the northwest property lines to 14' and 11' as indicated on the development plan.
- District Development plan

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.

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING

Following is staff’s analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020.

The site is located in the Traditional Neighborhood Form District

The Traditional Neighborhood Form District is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings.

Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces.

The proposal is part of an existing center that is zoned M-2 that is located across 18th Street. CM Permits a mix of M-1 and C-2 uses which can be neighborhood serving but also regional. C-M would allow for commercial uses on the site while M-1 would permit lower intensity industrial than what exists today. The proposal is for a mixed use building that would include commercial and industrial type uses within the existing structure. Maintaining the existing structure encourages the sense of place.

The majority of the parking for the site is located on the street. The vacant R-6 lot is being requested to be zoned to accommodate some off street parking. 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.

Where the site is adjacent to residential most of the buffer is being provided while the other part an existing building is within the buffer. There are no plans to remove the existing historic structure to accommodate the buffer. All uses for the building will be located inside. Also the building and adjacent residential have existed adjacent to one another for many years under the existing more intense zoning. All planting requirements will be met on the site. The new parking will be located at the rear of the site where the existing residential properties also have their parking areas and accessory structures.

The proposal is a downzone from the sites moderate industrial zoning to a lower level industrial zoning. The site is also located adjacent to an existing mixed industrial/commercial center.

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.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVERS 3 AND 4

(a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not affect the adjacent property because the screening and plating requirements for the buffer will still be met on site. The area of the existing structure will not be providing the requirements due to the existing building however the structure is historic and has been in that location for over a century with a variety of different uses within the structure. The adjacent property is aware of the historical industrial nature of the property.

(b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: Where the site is adjacent to residential most of the buffer is being provided while the other part an existing building is within the buffer. There are no plans to remove the existing historic structure to accommodate the buffer. All uses for the building will be located inside. Also the building and adjacent residential have existed adjacent to one another for many years under the existing more intense zoning. All planting requirements will be met on the site. The new parking will be located at the rear of the site where the existing residential properties also have their parking areas and accessory structures.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The planting requirements will still be met in the LBAs where it can be met otherwise the existing structure will provide the buffer. Tearing down a portion of an existing historical structure would be an undue burden on the applicant and would also challenge the ongoing historic nature of the site and would compromise the National Register eligibility.

(d) Either:

- (i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The planting requirements will still be met in the LBAs where it can be met otherwise the existing structure will provide the buffer. Tearing down a portion of an existing historical structure would be an undue burden on the applicant and would also challenge the ongoing historic nature of the site and would compromise the National Register eligibility.

STANDARD OF REVIEW FOR DEVELOPMENT PLAN

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: The proposal preserves and repurposes a historic building. Other natural resources are not evident on the site.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: The existing roadways and sidewalks will remain the same.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: The open space on the site would be the buffers. The buffers ensure the compatibility of the site with the adjacent residential.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: MSD has preliminarily approved the drainage.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: Due to the buffers provided and the historic nature of the existing structure the site design is compatible with the adjacent property and neighborhood.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: The proposal is in compliance with the Comprehensive Plan and LDC.

TECHNICAL REVIEW

All technical review comments have been addressed.

STAFF CONCLUSIONS

The proposal is part of an existing center that is zoned M-2 that is located across 18th Street. CM Permits a mix of M-1 and C-2 uses which can be neighborhood serving but also regional. C-M would allow for commercial uses on the site while M-1 would permit lower intensity industrial than what exists today. The proposal is for a mixed use building that would include commercial and industrial type uses within the existing structure. Maintaining the existing structure encourages the sense of place.

The majority of the parking for the site is located on the street. The vacant R-6 lot is being requested to be zoned to accommodate some off street parking. 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.

Where the site is adjacent to residential most of the buffer is being provided while the other part an existing building is within the buffer. There are no plans to remove the existing historic structure to accommodate the buffer. All uses for the building will be located inside. Also the building and adjacent residential have existed adjacent to one another for many years under the existing more intense zoning. All planting requirements will be met on the site. The new parking will be located at the rear of the site where the existing residential properties also have their parking areas and accessory structures.

The proposal is a downzone from the sites moderate industrial zoning to a lower level industrial zoning. The site is also located adjacent to an existing mixed industrial/commercial center.

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.

The proposal meets the requirements of the LDC and is in compliance with the guidelines of the Comprehensive Plan.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

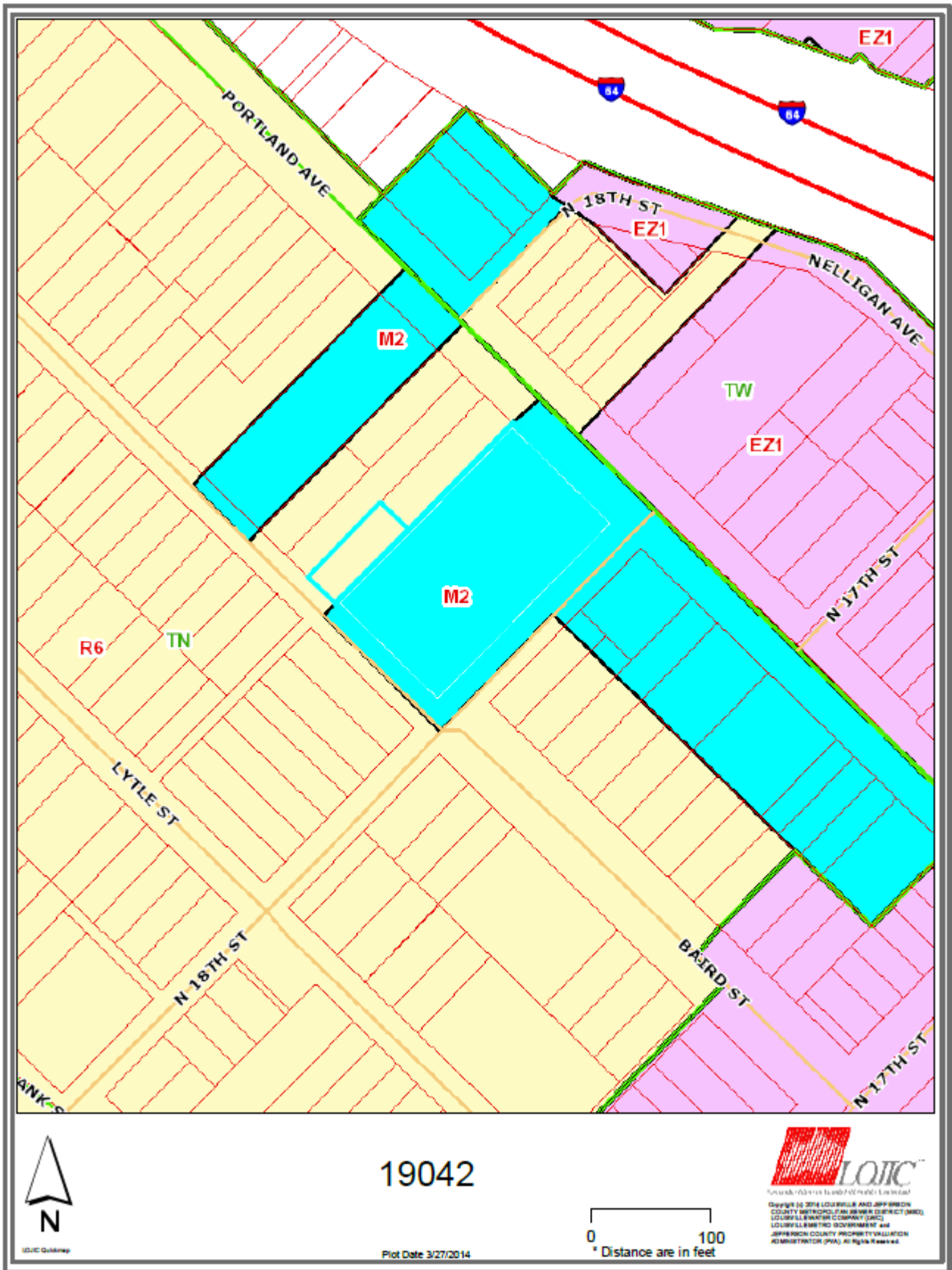
NOTIFICATION

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

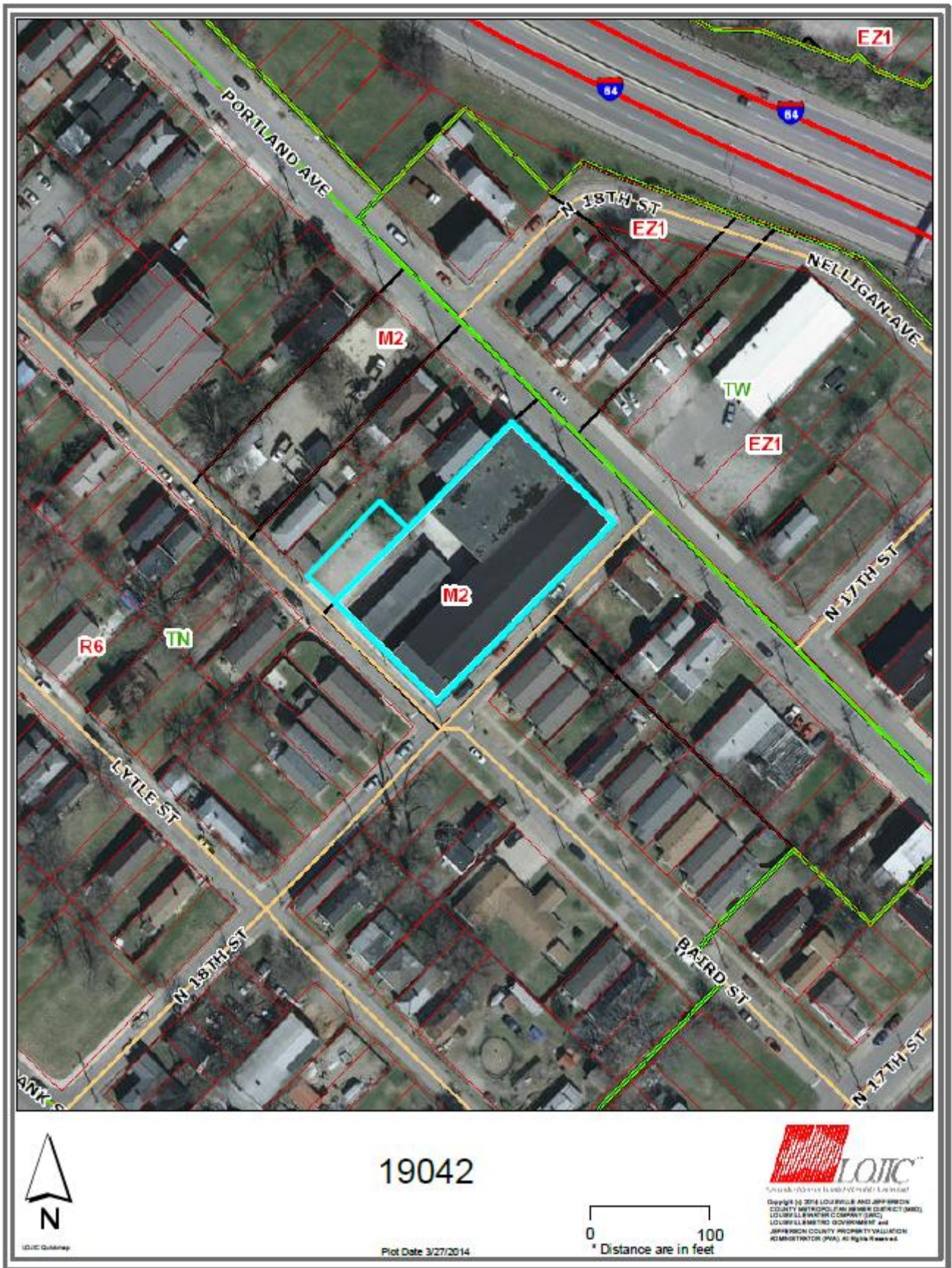
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Site Inspection Report
5. Proposed Binding Elements
6. Applicant's Justification Statements (zoning, parking waiver, and landscape waivers)

Attachment 1: Zoning Map



Attachment 2: Aerial Photograph



Attachment 3: Cornerstone 2020 Staff Checklist

- + Exceeds Guideline
- √ Meets Guideline
- +/- More Information Needed
- NA Not Applicable

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
1	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	√	The proposal will not change the street pattern.
2	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal introduces an appropriately-located neighborhood center including a mix of neighborhood-serving uses such as offices, shops and restaurants.	√	The proposal is part of an existing center that is zoned M-2 that is located across 18th Street. CM Permits a mix of M-1 and C-2 uses which can be neighborhood serving but also regional. C-M would allow for commercial uses on the site while M-1 would permit lower intensity industrial than what exists today.
3	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves public open spaces, and if the proposal is a higher density use, is located in close proximity to such open space, a center or other public areas.	√	The proposal will not affect any open space.
4	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominate neighborhood building design.	√	The proposal involves the re-use of an existing structure.
5	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Traditional Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	√	The proposal is part of an existing center that is zoned M-2 that is located across 18th Street. The proposal involves the re-use of an existing structure.
6	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	√	The proposed CM zoning permits commercial use in a high density area.
7	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	√	Existing EZ-1 zoned property is located across Portland Avenue which permits both C-2 and M-3 uses which are higher intensity than what is being proposed on the subject site. With the surrounding uses being higher intensity and because the existing zoning is higher intensity the proposal is efficient for infrastructure and land use.
8	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	√	The proposal is for a mixed use building that would include commercial and industrial type uses within the existing structure. Maintaining the existing structure encourages the sense of place.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
9	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	√	The proposal does not include residential but it is for other mixed use.
10	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is not a large development.
11	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	√	The majority of the parking for the site is located on the street. The vacant R-6 lot is being requested to be zoned to accommodate some off street parking. 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.
12	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	√	Utilities in the area are existing and could be shared.
13	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	√	The site has existing sidewalks for pedestrians and on/offsite parking to accommodate vehicles.
14	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	NA	No new construction is proposed.
15	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	√	The proposal is not an expansion into a residential area.
16	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	√	APCD has approved the proposal.
17	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	√	Transportation Planning has not indicated an adverse impact on the traffic.
18	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	√	Lighting will meet LDC requirements.
19	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	√	The proposal is located in an activity center and along a transit corridor.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
20	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	√	Where the site is adjacent to residential most of the buffer is being provided while the other part an existing building is within the buffer. There are no plans to remove the existing historic structure to accommodate the buffer. All uses for the building will be located inside. Also the building and adjacent residential have existed adjacent to one another for many years under the existing more intense zoning. All planting requirements will be met on the site. The new parking will be located at the rear of the site where the existing residential properties also have their parking areas and accessory structures.
21	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	√	Where the site is adjacent to residential most of the buffer is being provided while the other part an existing building is within the buffer. There are no plans to remove the existing historic structure to accommodate the buffer. All uses for the building will be located inside. Also the building and adjacent residential have existed adjacent to one another for many years under the existing more intense zoning. All planting requirements will be met on the site. The new parking will be located at the rear of the site where the existing residential properties also have their parking areas and accessory structures.
22	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	√	The setbacks and other dimensional requirements are being met on the site.
23	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	√	The screening requirements for the new on-site parking will be met on the site where it is adjacent to residential, the parking is located adjacent to where the existing residential properties have their parking and accessory buildings.
24	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	√	The screening requirements for the new on-site parking will be met on the site where it is adjacent to residential, the parking is located adjacent to where the existing residential properties have their parking and accessory buildings.
25	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	A parking garage is not proposed.
26	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	√	Signs will meet LDC Chapter 8 requirements.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
27	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	√	The landscape buffers are providing open space on the site to meet the requirements for the site and to provide a buffer for the adjacent properties.
28	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	√	The landscape buffers are providing open space on the site to meet the requirements for the site and to provide a buffer for the adjacent properties.
29	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no evident natural features on the site.
30	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	NA	There are no evident natural features on the site.
31	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	√	The proposal is for the reuse of an existing structure that has historic value.
31	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	√	The proposal does not involve any new construction.
32	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.2: Ensure adequate access between employment centers and population centers.	√	The site is located within an existing activity center as well as adjacent to a high density population center and neighborhood.
33	People, Jobs and Housing Goal K4, Objective K4.1	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The proposal is not located in a downtown.
34	Marketplace Strategy Goal A1, Objectives A1.3, A1.4, A1.5	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	√	The proposal is a downzone from the sites moderate industrial zoning to a lower level industrial zoning. The site is also located adjacent to an existing mixed industrial/commercial center.
35	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	√	The proposal is a downzone from the sites moderate industrial zoning to a lower level industrial zoning and introducing a commercial component to the site. The site is also located adjacent to an existing mixed industrial/commercial center.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
36	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	√	Portland Avenue is a minor arterial. The proposal does not expect to have 100 employees.
37	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	√	Transportation Planning has not indicated any need for roadway improvements.
38	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	√	Sidewalks and on-site parking are provided.
39	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	√	No new roadways are proposed.
40	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	√	Dedication of ROW is not required for the proposal.
41	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	√	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.
42	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	√	Joint and cross access is not necessary for the proposal.
43	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	√	No new roadways are proposed.
44	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	√	Access to the development is by way of existing roadways.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
45	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	√	No new roadways are proposed.
43	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	√	Sidewalks and onsite parking are provided.
44	Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.8, B2.1-2.7, B3.1-3.4, B4.1-4.3	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue-line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	√	MSD has preliminarily approved the proposal.
45	Livability Goals C1, C2, C3, C4, all related Objectives	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	√	APCD has approved the proposal.
44	Livability, Goals F1 and F2, all related objectives	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	√	Natural features are not evident on the site.
46	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	Existing utilities will serve the site.
47	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	A water supply is available to the site.
48	Livability Goal B1, Objective B1.3	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	√	The health department has reviewed the proposal.

Site Inspection Committee Report

Date: 3/21/14

Case Number: 19042

Project: Portland Promise Center

Address: 1800 & 1810R Portland Ave

Attendees: Jeff Brown

Observations:

Describe subject property

- Existing two-story brick warehouse/industrial building set on the property line at the intersection of Portland Ave and N 18th St and extends back to Baird St. Building occupies the full length of the Portland and N 18th St frontage and most of the Baird St frontage.
- Portland Ave and N 18th St are both one-way streets.

Describe surrounding area

- To the northeast, residential and commercial/industrial zoning and uses in the Traditional Workplace Form District. There are several shotgun houses on the lots directly to the north, a lot with large asphalt parking area and storage building and the I-64 Expressway.
- To the southeast, a mix of residential and industrial zoned properties all within the Traditional Neighborhood Form District. The industrial zone is situated along Portland with single family residential along Baird.
- To the southwest, all residentially property in the Traditional Neighborhood Form District. Mostly shotgun style houses on small lots with limited alley access.
- To the northwest, mostly residentially property in the Traditional Neighborhood Form District. Mostly shotgun style houses on small lots with limited alley access.

Questions/ Concerns:

- The existing building occupies most of the lot so only a few on-site parking spaces are being added. There is a high demand for on-street parking in the area due to the limited number of alleys and driveway, and fire lanes prohibiting on-street parking on several of the abutting streets.

Attachment 5: Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The following uses are not permitted on the property unless prior approval is obtained from the Development Review Committee: 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, adhesives manufacture and packing, chemical manufacture and packing. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The DRC may require a public hearing on the request to amend this binding element.
3. The development shall not exceed 44,800 square feet of gross floor area.
4. No pennants, balloons, or banners shall be permitted on the site.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to obtaining a permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- f. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
9. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for

compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

10. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.

JUSTIFICATION STATEMENT FOR CHANGE IN ZONING

Portland Promise Center

R-4 RESIDENTIAL AND M-2 INDUSTRIAL TO EZ-1 ENTERPRISE ZONE
1810 R AND-1800 PORTLAND AVENUE

December 2, 2013

RECEIVED

DEC 02 2013

PLANNING &

The applicant, the Portland Promise Center, is a faith-based community development center of the Methodist Church. The Center, located at 1831 Baird Street in Louisville's Portland neighborhood, has created an informal network of community development partners to facilitate the socio-economic revitalization of their neighborhood. The Portland Promise Center has collaborated with organizations like Habitat for Humanity, Portland Now, Youthbuild of Louisville, the Center for Neighborhoods, and New Directions Housing Corporation. Through the community development efforts of the Center and its partners, leveraging skills and services to provide employment training and placement, home ownership counseling, affordable housing development, entrepreneurial mentoring, and technical assistance or financial counseling to address present housing and economic constraints in the Portland neighborhood.

The applicant seeks a change in zoning from M-2 Industrial and R-6 Residential to EZ-1 Enterprise Zone to allow office, retail, storage and light industrial uses associated with the community redevelopment objectives of the Center at its facility located at 1800 Portland Avenue. This existing 2-story building runs the length of the block between Baird Street and Portland Avenue and contains 44,800 square feet (22,400 square feet per floor). A new off-street parking lot containing 7 spaces is proposed on an adjacent lot located at 1810 R Portland Avenue. A parking waiver has also been requested in association with this rezoning request.

For the reasons stated herein, the proposed rezoning from M-2 Industrial and R-6 Residential to EZ-1 Enterprise Zone complies with the Cornerstone 2020 Comprehensive Plan and, therefore, should be approved

GUIDELINE 1
COMMUNITY FORM

The site is located in the Traditional Neighborhood Form District. This district is predominantly characterized by predominantly residential uses, often on narrow, deep lots. Adjacent streets are typically narrow with a grid street pattern and have alleys along the rear. Sidewalks are located along the front and sides of these uses. Buildings

typically have little or no setbacks from the street. Traditional neighborhoods may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood serving land uses such as offices, shops, restaurants, and services. Revitalization and reinforcement of the traditional neighborhood form is encouraged, with emphasis placed on preservation and renovation of existing buildings where the building design is consistent with the predominant design of the surrounding structures.

The subject property is located in a mixed use area of industrial and residential uses. Across the street from the subject property on the north side of Portland Avenue, are 5 residential lots zoned R-6 along with several lots comprising a gravel parking lot, industrial building, and vacant lots, all zoned EZ-1. South of the subject property, across 18th Street, are 2 residential uses zoned M2 and R-6, respectively from east to west. West of the site, across Baird Street is two residential uses zoned R-6. The lot proposed for the off street parking is one of two properties immediately adjacent to the existing 1800 building to the northwest. Both properties are owned by the Portland Promise Center. The lot proposed for future parking is currently vacant. The other lot contains a single family residence that's currently rented by the applicant to a tenant. Both lots are currently zoned R-6.

Streets in this area are configured in a rectilinear grid pattern and the site is bounded by North 18th Street on the south, Portland Avenue on the east, and Baird Street on the west. The structure on the subject property was built to the property lines along these three rights-of-way. The existing building has been determined eligible for the National Historic Register and will remain with only interior modifications to accommodate future building tenants. Any proposed signage will be in compliance with the Land Development Code. Therefore, redevelopment of this structure is consistent with the Traditional Neighborhood Form District.

On-street parking is located along all three streets to serve customer and employee parking needs, and TARC service is available through the nearby TARC No. 43 Poplar Level route. Sidewalks are located along all three streets adjoining the property.

The proposed rezoning to EZ-1 will allow the applicant to accommodate the wide range of uses and users associated with their community redevelopment mission, from vocational training, to storage and light manufacturing associated with home repair and construction services, to startup retail and office space for incubator businesses. There will be no adverse impacts to surrounding properties as a result of the proposed operations. All activities will occur entirely within an enclosed building, there will be no noise, odor, or lighting impacts resulting from the proposed uses, the businesses will operate during normal business hours. While the proposed uses will generate additional traffic, there is more than adequate capacity of the existing roads. Therefore,

the proposed rezoning complies with Guideline 1 of the Cornerstone 2020 Comprehensive Plan.

GUIDELINE 2
Centers

Guideline 2 encourages mixed land uses organized around existing compact activity centers. The subject property lies south and east of the 3 activity centers identified for the Portland Neighborhood and the 2008 approved Neighborhood Plan. The redevelopment of the existing building will represent significant reinvestment along the Portland Avenue corridor, in keeping with the recommendations of the 2008 Neighborhood Plan and will also encourage vitality and a renewed sense of place in the general neighborhood. As a result, this proposal complies with Guideline 2 of the Cornerstone 2020 Comprehensive Plan.

GUIDELINE 3
Compatibility

The subject property is located in a mixed use area generally void of a consistent pattern of development or character. The area includes a significant number of vacant lots as well as abandoned and poorly maintained properties. The redevelopment of a historic structure that visually dominates the block will go a long way to establish a character and pattern of development for this area. The mix of uses proposed for this property is also consistent with other development in this part of Portland and in an urban setting.. Therefore, the proposed rezoning is compatible with Guideline 3 of the Cornerstone 2020 Comprehensive Plan.

GUIDELINES 4 AND 5
Open Space, Natural Areas and Scenic and Historic Resources

The development site consists entirely of impervious surface, and is built to the property lines along Baird Street, 18th Street, and Portland Avenue. The planned improvements, with the exception of the small, off-street parking lot, will be confined to the interior of the existing structure. Therefore, the proposal will not adversely impact the aesthetic appearance of the existing building and will revitalize and preserve an existing structure that is eligible for the National Historic Register. There are no natural areas, open space, or scenic resources to be preserved. The area of the proposed parking is already developed as a gravel lot and the property is free of any environmental constraints. For these reasons, the proposed expansion complies with Guidelines 4 and 5 of Cornerstone 2020 Comprehensive Plan.

RECEIVED

GUIDELINE 6
Economic Growth and Sustainability

Guideline 6 encourages redevelopment and reinvestment opportunities in older neighborhoods that is consistent with the form district pattern. The proposed development will allow the applicant to continue and expand its mission to provide community redevelopment opportunities for the Portland neighborhood. It also furthers the goal of preserving the traditional neighborhood form by providing reinvestment opportunity in this area while preserving an existing structure. No nuisances will be created and adjacent properties will not be adversely affected. Thus, the proposal complies with Guideline 6 of the Cornerstone 2020 Comprehensive Plan.

GUIDELINES 7 and 9
Mobility/Transportation, Circulation, Bicycle, Pedestrian and Transit

The proposed rezoning is in compliance with Guidelines 7 and 9 of the Cornerstone 2020 Comprehensive Plan because the location of the development ensures adequate and multi-modal transportation facilities in grid streets with easy access to interstate road systems, public transit, pedestrian access, and bicycle access. No additional street improvements are required. Adequate right-of-way and infrastructure exists to serve the subject property. The additional traffic proposed by the rezoning can be accommodated through the existing street, transit and pedestrian networks. As a result, there will be no adverse impacts on existing transportation systems caused by the proposed change in zoning. Adequate parking exists in the right-of-way along the front and sides of the property along with the proposed off street parking lot, as demonstrated by the parking study provided with the requested parking waiver. Sidewalks are located along all streets as well as on neighboring streets, thereby insuring an interconnected network for pedestrian access. For all of the foregoing reasons, this proposal complies with Guidelines 7 and 9 of the Cornerstone 2020 Comprehensive Plan.

GUIDELINES 10 AND 11
Flooding, Storm Water and Water Quality

Because the entire site already consists of impervious surface, there will be no impact on storm water runoff. The proposed building expansion will be reviewed and approved by the Metropolitan Sewer District to ensure compliance with MSD construction standards. Best management practices as recommended by MSD will be implemented prior to commencing construction of the new addition. For the foregoing reasons, the proposed development complies with Guidelines 10 and 11 of the Cornerstone 2020 Comprehensive Plan.

RECEIVED

GUIDELINE 12

Air Quality

The proposed development complies with Guideline 12 of Cornerstone 2020 because it represents an efficient land use pattern in an area with existing infrastructure to accommodate the proposed development. The proposed development must also be reviewed by the Air Pollution Control District for compliance with its regulations.

GUIDELINE 13

Landscape Character

The subject property consists entirely of impervious area. The proposed development will meet the landscaping requirements of the Land Development Code. For this reason, the proposal complies with Guideline 13 of the Cornerstone 2020 Comprehensive Plan.

GUIDELINES 14 AND 15

Infrastructure and Community Facilities

The proposed development complies with Guidelines 14 and 15 of the Cornerstone 2020 Comprehensive Plan because the subject property is served by existing infrastructure which has adequate traffic carrying capacity to accommodate the proposed development. The site also has all necessary utilities including water, sewers and electricity. The development also has an adequate supply of potable water and water for firefighting purposes and is served by the Louisville Fire Department.

KRS 100.213 COMPLIANCE

In addition to compliance with all applicable guidelines of the Cornerstone 2020 Comprehensive Plan, the proposed development complies with KRS 100.213 in as much as the existing zoning of the property is not appropriate, while the Enterprise Zone zoning is appropriate. The property is located in the Traditional Neighborhood Form District, which encourages redevelopment and re-investment that preserves existing structures and is compatible with the surrounding character.

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

General Waiver Justification:

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

1. Will the waiver adversely affect adjacent property owners?

The waiver will not adversely affect adjacent properties because screening will still be provided in the form of either a fence or landscape material. One of the affected adjacent properties is owned by the applicant. The impacts to both properties will be limited to the rear yards and the garage area.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan because screening will still be provided.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

The applicant is only seeking to reduce those portions of the required buffer width necessary to construct a small parking lot.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

The area of the proposed small parking lot being constructed on the site, which is creating the need for the waiver, is currently gravel and presently being used as parking. The new lot will improve the visual character of the area, thus producing a net beneficial effect. The parking will be screened from view by the adjacent residential uses so the intent of the buffer will still be provided. Strict application of the buffer requirements would prohibit the applicant from providing some amount of off-street parking, creating an unnecessary hardship.

RECEIVED