

# Land Development and Transportation

## Staff Report

February 13, 2014



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

### REQUEST

- Change in zoning M-2 to CM
- 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.
- 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'.
- 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 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
<b>Subject Property</b>			
<b>Existing</b>	Industrial	M-2	TN
<b>Proposed</b>	Commercial and Industrial	CM	TN
<b>Surrounding Properties</b>			
<b>North</b>	Residential	R-6	TN
<b>South</b>	Industrial/Residential	M-2/R-6	TN
<b>East</b>	Industrial/Residential	EZ-1/R-6	TW
<b>West</b>	Residential	R-6	TN

## PREVIOUS CASES ON SITE

None.

## INTERESTED PARTY COMMENTS

None received.

## 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.

### TECHNICAL REVIEW

All agency review comments have been addressed.

### STAFF CONCLUSIONS

A public hearing date is ready to be set for the proposal.

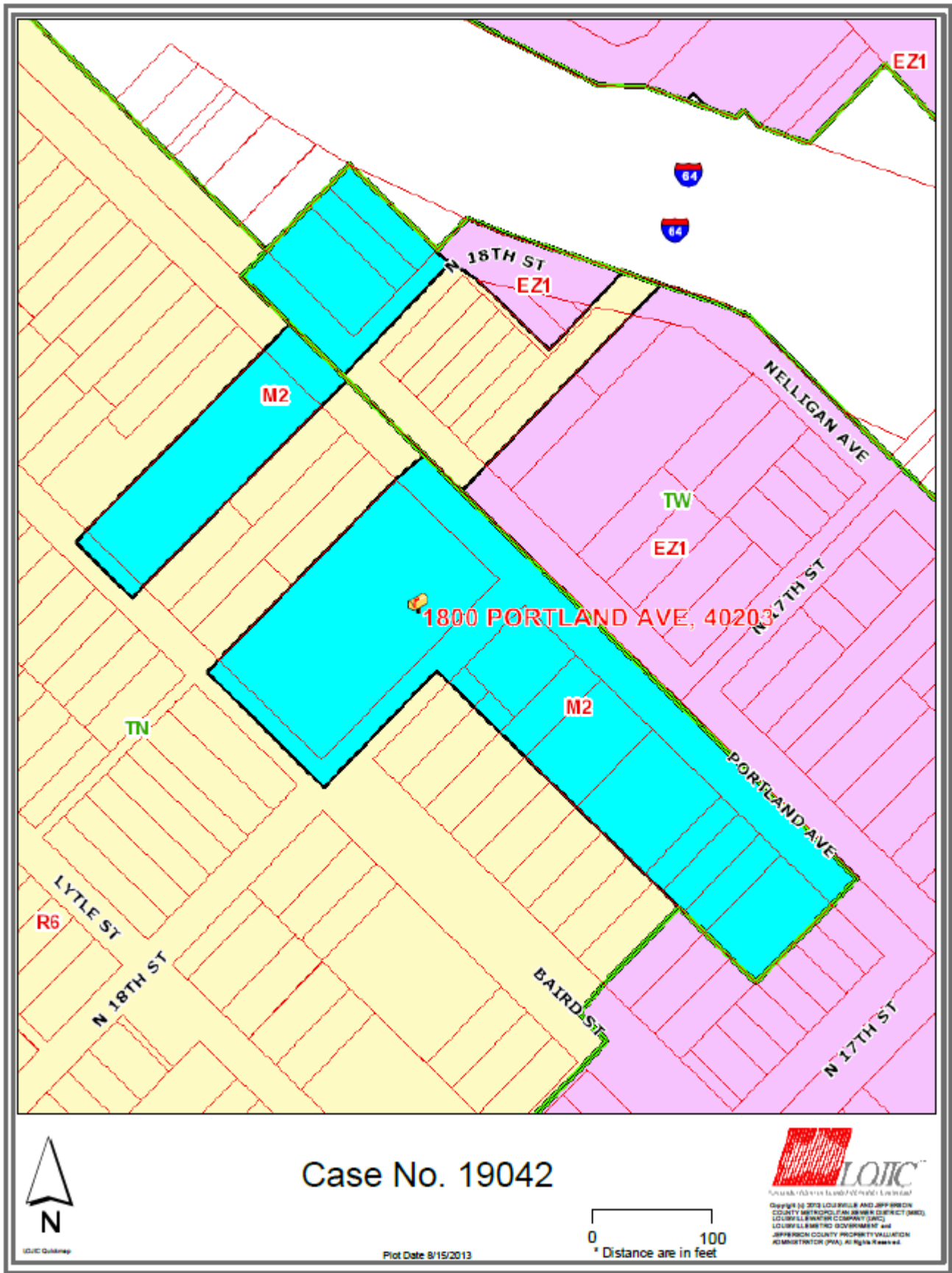
### NOTIFICATION

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

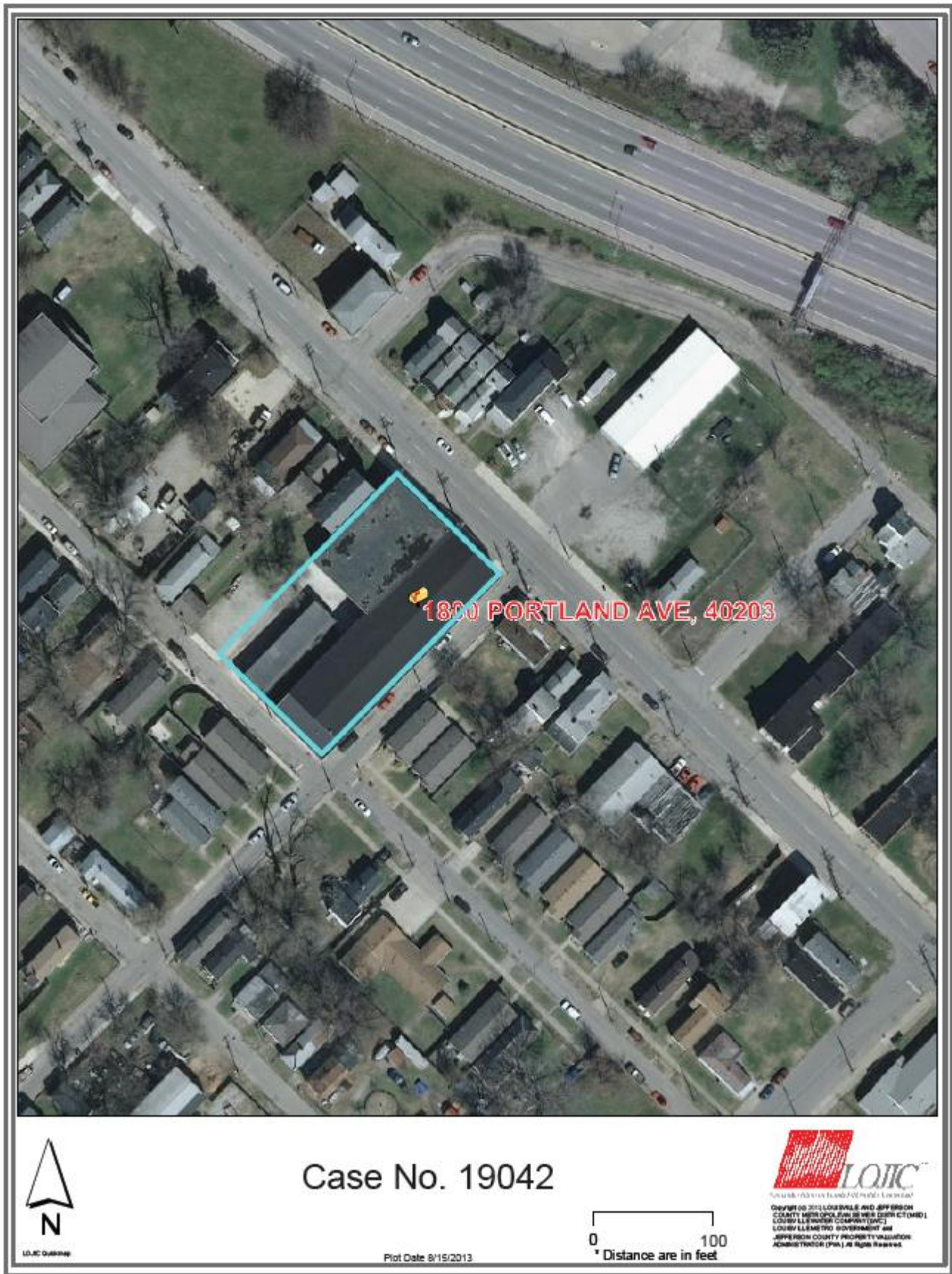
### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

Attachment 1: Zoning Map



Attachment 2: Aerial Photograph





### Attachment 3: 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 development shall not exceed 44,800 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. 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 requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. **(time frame for compliance to be negotiated with applicant).**
- 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.
6. 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.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
8. 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.
9. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.