

Land Development and Transportation Committee Staff Report

October 23rd, 2014



Case No:	14DEVPLAN1104
Request:	Revised Detailed District Development Plan
Project Name:	Portland Avenue Firehouse
Location:	2425 Portland Avenue
Owner:	Portland Avenue Firehouse, LLC
Applicant:	Shine Contracting
Representative:	Gregg Rochman Moseley Putney, Putney Architecture
Jurisdiction:	Louisville
Council District:	5 –Cheri Bryant Hamilton
Case Manager:	Christopher Brown, Planner II

REQUEST

- Binding Element Amendments
- Revised Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: C-2, Commercial
Proposed Zoning District: C-2, Commercial
Existing Form District: TN, Traditional Neighborhood
Existing Use: Vacant
Proposed Use: Restaurant, Research & Development Office and Production
Minimum Parking Spaces Required: 6 (10% TARC Reduction)
Parking Spaces Proposed: 6
Plan Certain Docket #: 15045

The proposal is to renovate an existing C-2 property within the Traditional Neighborhood form to allow a restaurant along the street frontage with rear portions of the building being used for office space as well as incidental manufacturing of gelato to be sold within the restaurant use. The former firehouse is a one story vacant structure on the parcel. The existing C-2 property was rezoned under Case 15045 by the Planning Commission from R-6 to allow a mixed retail and office development. The subject site is located within the Portland Neighborhood Plan and surrounded by R-6 residentially zoned properties. It has frontage along Portland Avenue with an alley located to the rear. In addition, the applicant is requesting to delete binding element #4 that requires notice to the 1st tier adjoining property owners and Portland Neighborhood organization as well as approval by the Planning Commission or committee of the Planning Commission for any change in use on the site. The change in use proposed with this development plan also leads to the request to amend binding element #6 regarding uses. This binding element limits the uses to C-1 uses with the exception of a contractor's shop. It also prohibits the sale of alcoholic beverages. The applicant has proposed to allow all C-2 uses on the property with the following exceptions:

- Establishments holding a retail malt beverage license but that do not allow consumption on the premises

- Establishments holding a distilled spirits and wine retail package license but holding no other ABC licenses that allow consumption on the premises
- Used Car Sales
- Automobile Rental Agencies

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	C-2	TN
Proposed	Restaurant, Office, Incidental Manufacturing	C-2	TN
<i>Surrounding Properties</i>			
North	Residential	R-6	TN
South	Residential / Metro Park, Laporte	R-6	TN
East	Residential	R-6	TN
West	Residential	R-6	TN

PREVIOUS CASES ON SITE

15045: The property was rezoned from R-6 to C-2 by the Planning Commission and Metro Council.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

Portland Neighborhood Plan: (Adopted February 2008)
The subject site is in subarea 9 which has specific activity areas identified.

The neighborhood plan generally encourages improvements to streetscapes, public sidewalks, curbing, and alleys.

The following is specific to the current proposal:

Economic Development Recommendations

- **ED-7** Increase the number of Portland businesses by encouraging neighborhood-serving, locally owned business development. Promote “neighborhood-friendly” commercial uses and scale. Recruit locally-owned banks and credit unions to locate branches in Portland. Support existing, locally-owned businesses. Recruit sit-down restaurants. Recruit “high-profile, locally-trusted businesses” to improve Portland’s overall marketability.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and AMENDMENT TO BINDING ELEMENTS

- 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: There does not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan.

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

STAFF: There is no open space requirement for the site per the Land Development Code.

- 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: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- 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: The overall site design and land uses are compatible with the existing and future development of the area. The proposed use change to the binding element follows the permitted uses within the Land Development Code that could utilize the existing structure on the site. Buildings and parking lots will meet all required setbacks.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan and binding element amendment conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code as well as the economic development recommendations of the Portland Neighborhood Plan to encourage neighborhood serving businesses and recruit sit-down restaurants.

TECHNICAL REVIEW

- There are no technical review issues that need to be addressed.

STAFF CONCLUSIONS

The standard of reviews has been met for the proposed development plan and change in use binding element from C-1 uses to C-2 uses with a few restrictions. The Committee needs to consider whether deleting the existing binding element #4 goes against the previous actions taken on the site in negotiations between the neighborhood and users of the property. It is a notification binding element that allows the neighborhood to be involved in change in use considerations to the site. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Land Development & Transportation Committee must determine if the proposal meets the standards for approval of the binding element amendments and associated proposed revised detailed district development plan as established in the Land Development Code.

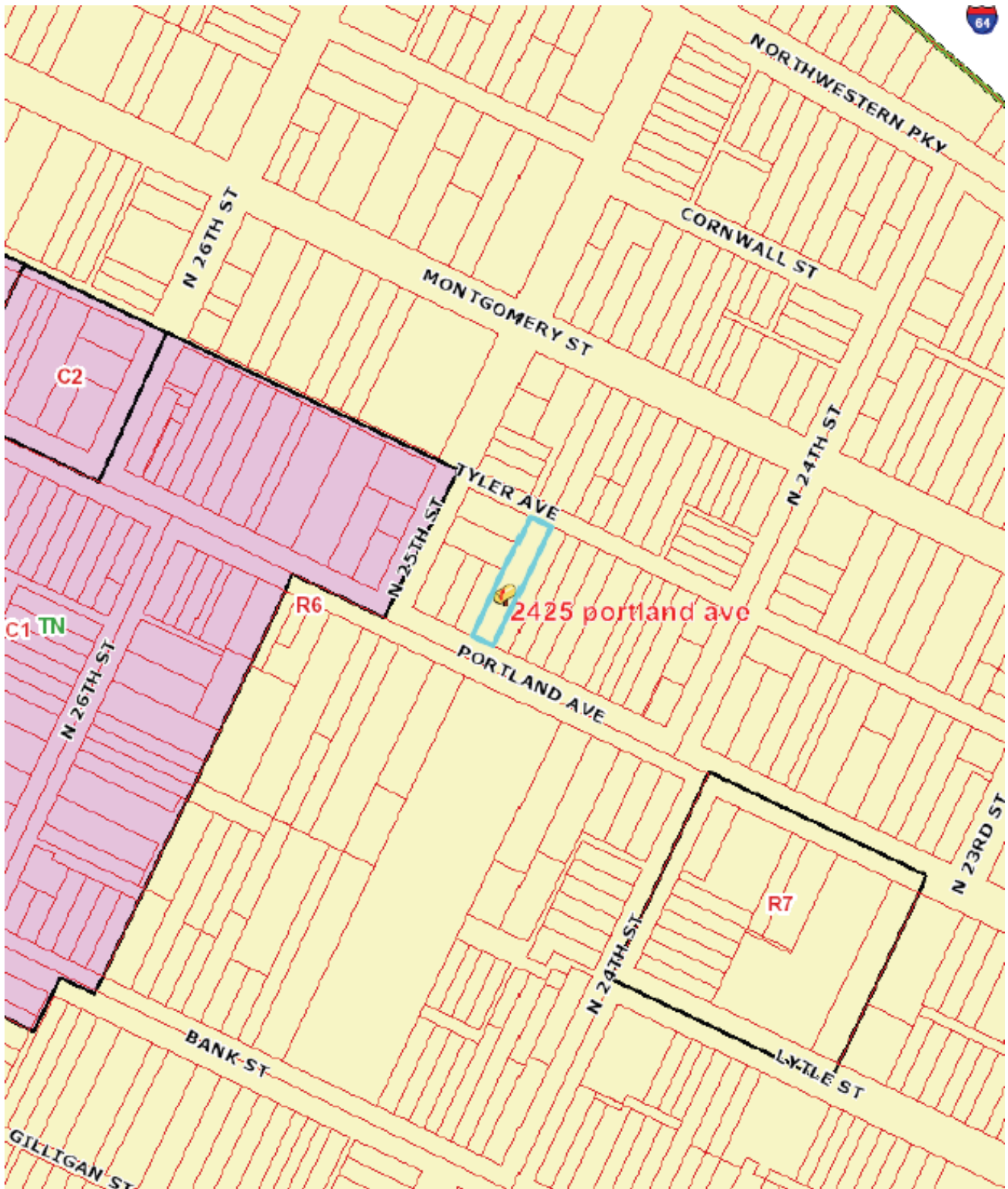
NOTIFICATION

Date	Purpose of Notice	Recipients
10/9/14	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 5 Notification of Development Proposals

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Existing 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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) (NOTE: to be used for sites within an historic preservation district) 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.
3. 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.
4. Any change in use on the subject site shall require approval by the Planning Commission, or committee thereof, and shall require notification to the Portland neighborhood organization and 1st tier adjoining property owners.
5. The curb cut and sidewalk along Portland Avenue adjacent to the subject site shall be removed and restored per Public Works standards. Construction plans, bond, and encroachment permit are required prior to construction approval by Public Works.
6. The only C-2 uses permitted on the subject site shall be contractor's shop. All C-1 uses shall be permitted, except that the sale of alcoholic beverages shall be prohibited.

4. Proposed Binding Elements

- ~~4. Any change in use on the subject site shall require approval by the Planning Commission, or committee thereof, and shall require notification to the Portland neighborhood organization and 1st tier adjoining property owners.~~
6. The only **All** C-2 uses **are** permitted on the subject site ~~shall be contractor's shop. All C-1 uses shall be permitted, except that the sale of alcoholic beverages shall be prohibited~~ **with the following exceptions:**
 - **Establishments holding a retail malt beverage license but that do not allow consumption on the premises**
 - **Establishments holding a distilled spirits and wine retail package license but holding no other ABC licenses that allow consumption on the premises**
 - **Used Car Sales**
 - **Automobile Rental Agencies**