

Development Review Committee

Staff Report

December 4, 2019



Case No:	19-DDP-0062, 19-WAIVER-0101
Project Name:	Angel's Envy Expansion
Location:	500, 508 and 510 E Main St; 101 117, 119, 121, 123 and 125 S Jackson St; 501, 503, and 507 E Market St
Owner(s):	Louisville Distilling Company, LLC.
Applicant:	Louisville Distilling Company, LLC.
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Waivers:**
 1. Waiver from 5.2.1.C.2 (19-Waiver-0101) to not maintain a 3 story street wall for the length of the lot frontage.
 2. Waiver from 5.6.2.A.2 (19-Waiver-0101) to not create a clear visual distinction between the ground floor and upper floor.
- **Revised Detailed District Development Plan** with revisions to Binding Elements.

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a 11,200 SF addition onto an existing 47,694 SF distillery. The site is located in the Downtown Form district at the southeastern corner of S Jackson St and E Main St. The site is zoned a mix of EZ-1 and M-2. The northern part of the site was rezoned to EZ-1 under docket 9-38-90, and Revised Detailed District Development Plans have been approved under dockets 8791 and 15DEVPLAN1029. Waivers are requested from portions of the Downtown Form District design guidelines to allow the proposed elevations to match the existing development on the subject site.

STAFF FINDING

The proposed expansion will extend the existing façade eastward along E Main St, building on the renovations completed under the previously approved development plan. The waivers will allow for a consistent, high-quality expansion of the existing structure that matches qualities preserved in the renovation of the historic industrial structure. The requests are adequately justified and meet the standards of review.

TECHNICAL REVIEW

The proposal was reviewed and approved by the Downtown Development Review Overlay Committee under docket 19-OVERLAY-0027 on November 7, 2019.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1

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

STAFF: The waiver will not adversely affect adjacent property owners since the proposed structure will be of a high quality that matches the historic structure.

- (b) The waiver will not violate specific guidelines of the Comprehensive Plan; and

The waiver will not violate the Comprehensive Plan, as it will allow for the expansion of an existing development, including the continued use of a historic industrial property. The resulting construction will still maintain a high level of visual quality, and will result in a massing and street wall consistent with other development in the area. The design generally meets the purpose and intent of the Downtown form district design guidelines.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since all other Downtown form district guidelines will be followed.

- (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 strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land, as regulating exterior building design by number of stories rather than height is arbitrary and creates unnecessary restrictions on the creative development and design of structures.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2

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

STAFF: The waiver will not adversely affect adjacent property owners since the proposed structure will be of a high quality that matches the historic structure.

- (f) The waiver will not violate specific guidelines of the Comprehensive Plan; and

The waiver will not violate the Comprehensive Plan, as it will allow for the expansion of an existing development, including the continued use of a historic industrial property. The resulting construction will still maintain a high level of visual quality, and will result in a massing and street wall consistent with other development in the area. The design generally meets the purpose and intent of the Downtown form district design guidelines.

- (g) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since all other Downtown form district guidelines will be followed.

- (h) 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 strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land, as the proposed elevations are distinctive and utilize the historic design of the structure.

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 do 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 are no open space requirements pertinent to the current proposal.

- (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 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.

- (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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. 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 conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waivers**
- **APPROVED** or **DENY** the **Detailed District Development Plan** with revisions to binding elements

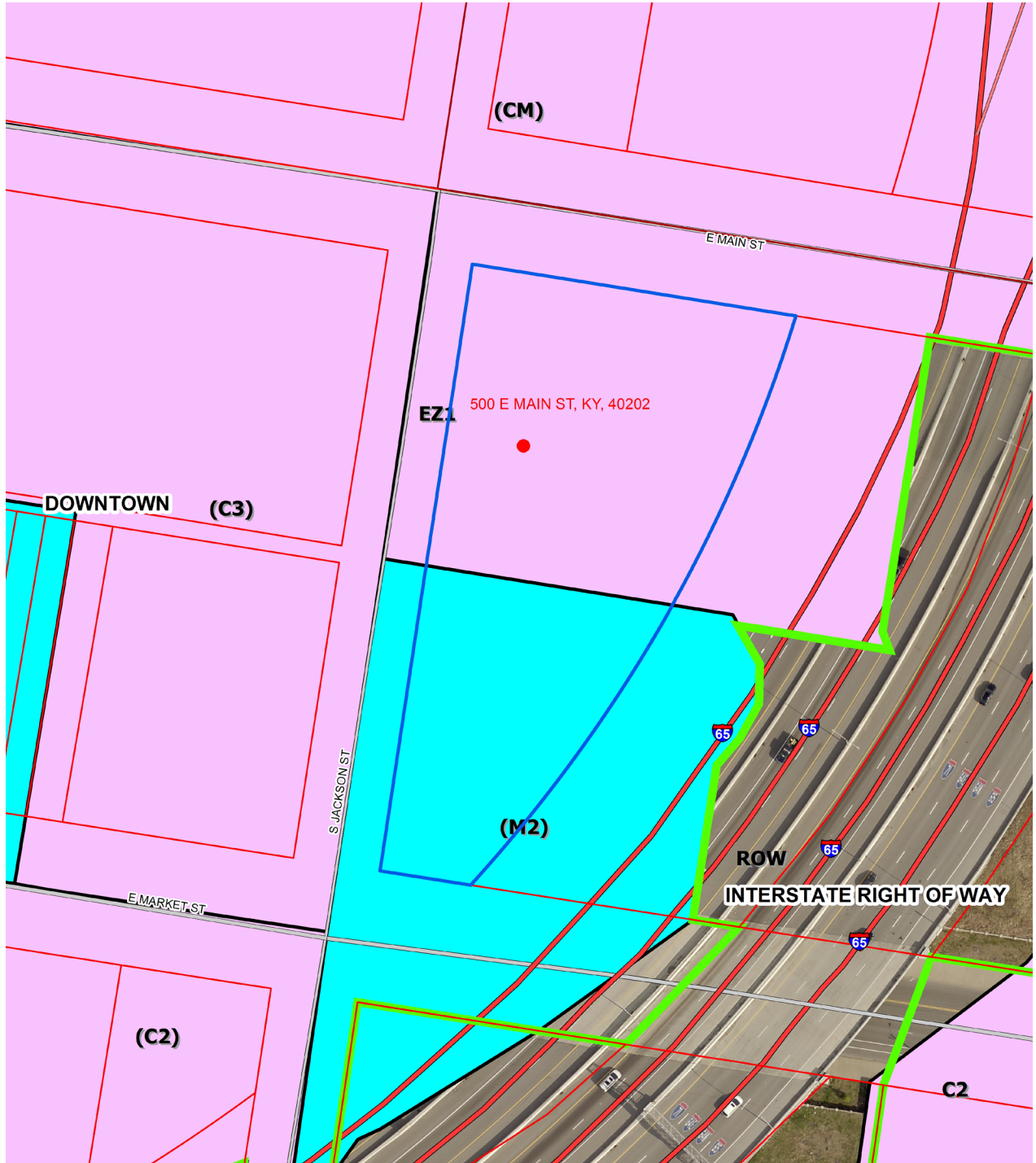
NOTIFICATION

Date	Purpose of Notice	Recipients
11-22-19	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 4

ATTACHMENTS

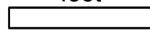
1. Zoning Map
2. Aerial Photograph
3. Existing Elements with Proposed Changes
4. Proposed Binding Elements

1. Zoning Map



19-DDP-0062

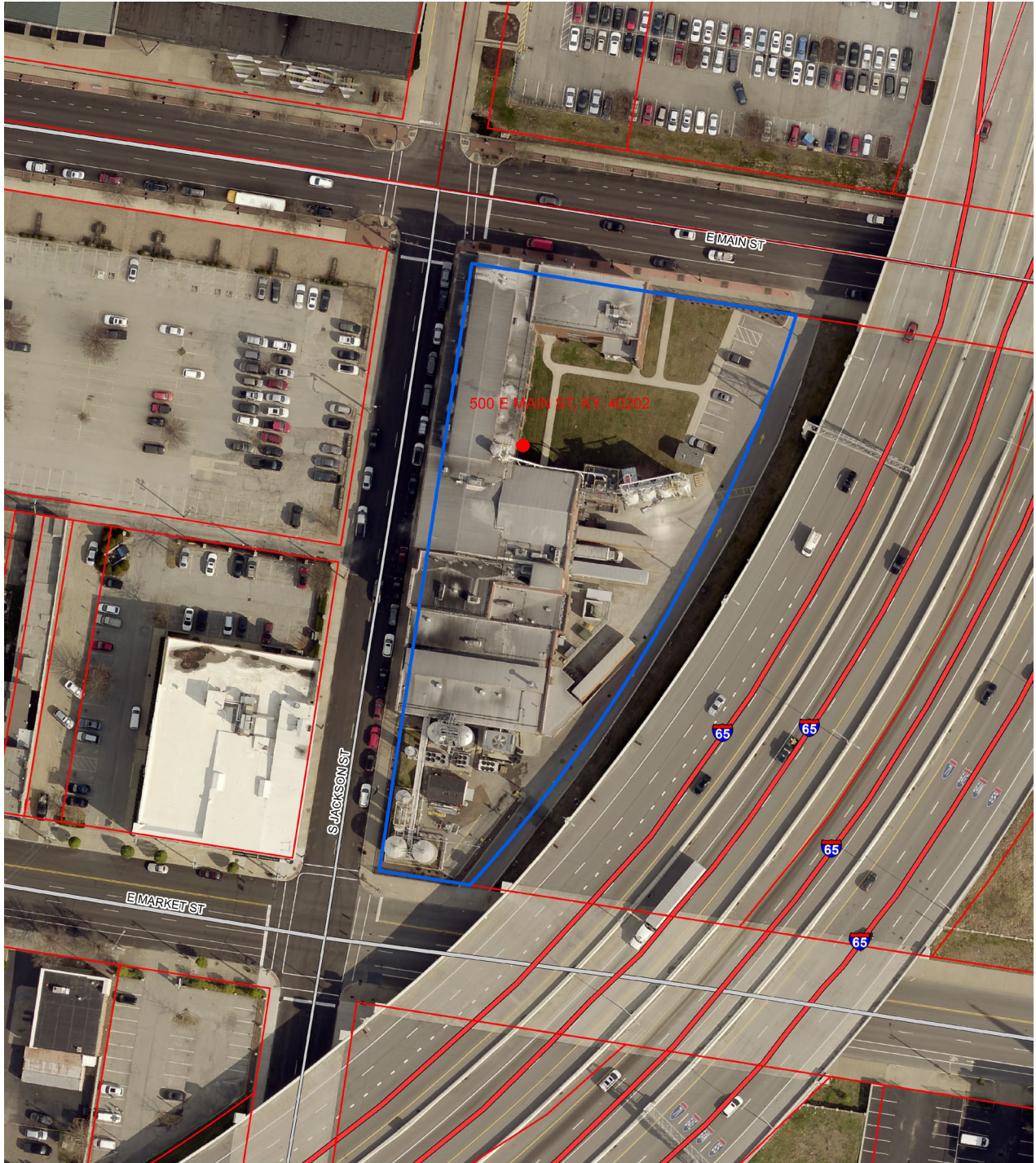
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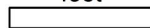
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2. Aerial Photograph



19-DDP-0062

feet



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3. Existing Elements with Proposed Changes

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. 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.
3. 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. 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.
4. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
5. 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.
- ~~6. If construction permits are not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any EZ-1 manner, if not already allowed in the M-2 zone, unless a revised district development plan is approved or an extension is granted by the Planning Commission.~~
7. 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.

8. The materials and design of proposed structures shall be substantially the same as depicted in the renderings as presented at the August 19, 2015 **and December 4, 2019** Development Review Committee meetings.

4. 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.
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6. 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.

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