

Case No. 15ZONE1052 Binding Elements

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver of Section 5.5.1.A.4.b. to allow front loading docks; Waiver of Section 10.2.4.A to eliminate the required landscape buffer area between EZ-1 and adjoining C-2 zone properties; Variance from Section 5.2.2.C to allow the front yard setback to exceed zero (0) feet; Variance from Section 5.2.2.C to exceed the maximum building height; Variance from Section 5.2.2.C to allow the proposed plaza to encroach into the required 15 foot rear yard; Variance from Section 5.2.2.C to allow the existing structure to encroach into the required 10 foot side yard; and the Detailed District Development Plan, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Development Code, Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Development Code and 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 **32,000 square feet** of gross floor area on the area to be rezoned.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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 Construction Review, Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Louisville Metro Public Works.
5. If a certificate of occupancy is 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 manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
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 (audible beyond the property line or 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. A legal instrument providing for the long-term use of the (off-site parking spaces or joint-use parking spaces), as shown on the approved general district development plan and in accordance with (Section 9.1.5 Off-Site Parking or Section 9.1.6 Joint Use Parking), shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 21, 2016 Planning Commission meeting.
11. No idling of trucks shall take place within 200 feet of residences. No overnight idling of trucks shall be permitted on-site.
12. A legal instrument providing for the long-term use of the off-site parking spaces and joint-use parking spaces, as shown on the approved district development plan, discussed in the parking study submitted for review at the April 21, 2016 Planning Commission public hearing, and in accordance with Section 9.1.5 Off-Site Parking and Section 9.1.6 Joint Use Parking, shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
13. No trucks shall be permitted to encroach into the public right-of-way.
14. No truck maneuvering to *back into* the loading dock shall occur between the hours of 7:00 a.m. and 9:00 a.m. or 4:00 p.m. and 6:00 p.m.

SITE DATA:
 DEVELOPER: KAVEH ZAMANIAN
 1452 CHEROKEE RD
 LOUISVILLE, KY 40204

OWNER: RABBIT HOLE SPIRITS, LLC
 711 E. JEFFERSON ST.
 LOUISVILLE, KY 40202

ENGINEER: LUCKETT & FARLEY
 737 S. THIRD ST.
 LOUISVILLE, KY 40202

SITE ADDRESS: 711 E. JEFFERSON ST.
 LOUISVILLE, KY 40202

DEEDBOOK/PAGE: DB 10448, PG 0350

PARCEL ID: 017001590000
 TAX BLOCK: 017D
 LOT NO. 159

GROSS ACREAGE: 0.867 AC.
 NET ACREAGE: 0.867 AC.

GROSS BLDG FOOTPRINT AREA: 17,501 SF
 GROSS BLDG FLOOR AREA: 31,117 SF

EXISTING ZONING: C2
 PROPOSED ZONING: EZ-1
 ADJACENT ZONING: C2

FORM DISTRICT: TRADITIONAL NEIGHBORHOOD
 EXISTING USE: STORAGE WAREHOUSE
 PROPOSED USE: MANUFACTURING/RETAIL/OFFICE/RECEPTION HALL

HEIGHT OF STRUCTURES: +30'-0" / +60'-0"
 OFF-STREET LOADING AREA: 2,400 SF

MINIMUM REQUIRED SETBACKS: 0' FRONT, 3' STREET SIDE, 10' SIDE, 15' REAR, 25' FRONT
 MAXIMUM SETBACKS: 4'

COUNCIL DISTRICT: 4
 FIRE DISTRICT: CITY OF LOUISVILLE

SQUARE FOOTAGE CALCULATIONS

EXISTING: 24,510 SF
 PROPOSED: 31,117 SF

MANUFACTURING: 4,769 SF
 FIRST FLOOR: 1,493 SF
 MANUFACTURING: 4,550 SF
 RETAIL-GIFT SHOP: 1,899 SF
 GENERAL STORAGE: 4,790 SF

SECOND FLOOR: 3,738 SF
 MANUFACTURING: 1,139 SF
 MANUFACTURING: 2,228 SF
 OFFICE: 1,696 SF

THIRD FLOOR: 4,817 SF
 RECEPTION HALL: 4,817 SF
 TOTAL: 31,117 SF

INCREASE: 27%

EXISTING FAR: 0.63
 PROPOSED FAR: 0.82

*UNIMPROVED SPACE

LOT COVERAGE CALCULATIONS

TOTAL LOT = 37,503 SF
 EXISTING BUILDING FOOTPRINT = 24,510 SF
 PROPOSED BUILDING FOOTPRINT = 17,501 SF
 TOTAL BUILDING = 17,501 SF
 PERCENTAGE COVERED = 46.3%

ZONE CHANGE REQUESTED
 JEFFERSON ST PROPERTY TO BE REZONED FROM C2 TO EZ-1.
 MARKET STREET PROPERTY IS NOT TO BE REZONED.

REQUESTED VARIANCES

- VARIANCE TO ALLOW FRONT YARD REQUIRED SETBACK TO BE MORE THAN 0'.
- VARIANCE TO ALLOW BUILDING HEIGHT OF 54'.
- VARIANCE TO ALLOW PLAZA TO ENCRoACH ON THE 15' REAR YARD SETBACK.
- VARIANCE TO ALLOW THE EXISTING STRUCTURE TO ENCRoACH ON THE 10' SIDE YARD SETBACK.

REQUESTED WAIVERS

- GENERAL WAIVER TO ALLOW THE EXISTING FRONT LOADING AREA ON JEFFERSON STREET TO BE VISIBLE FROM THE STREET.
- GENERAL WAIVER TO WAIVE LANDSCAPE BUFFER BETWEEN ZONES C2 AND EZ-1

PARKING

RECEPTION HALL (4,817 SF)
 MIN: 1 SPACE PER 100 SF GROSS FLOOR AREA = 48.17 = 48 SPACES
 MAX: 1 SPACE PER 50 SF GROSS FLOOR AREA = 96.34 = 96 SPACES

GENERAL OFFICE (1,696 SF)
 MIN: 1 SPACE PER 500 SF GROSS FLOOR AREA = 3.39 = 3 SPACES
 MAX: 1 SPACE PER 200 SF GROSS FLOOR AREA = 8.48 = 8 SPACES

MANUFACTURING (15 TOTAL EMPLOYEES)
 MIN: 1 SPACE PER 1.5 EMPLOYEES = 10 SPACES
 MAX: 1 SPACE PER 1 EMPLOYEE = 15 SPACES

RETAIL GIFT SHOP (1,899 SF)
 MIN: 1 SPACE PER 500 SF GROSS FLOOR AREA = 3.80 = 4 SPACES
 MAX: 1 SPACE PER 150 SF GROSS FLOOR AREA = 12.66 = 13 SPACES

TOTAL MINIMUM PARKING REQUIREMENT = 65 SPACES
 TOTAL MAXIMUM PARKING REQUIREMENT = 132 SPACES

REDUCTIONS

10% - TRANSIT ROUTE REDUCTION
 20% - GREEN DEVELOPMENT REDUCTION
 30% TOTAL REDUCTION = 19.5 SPACES = 19 SPACES

REDUCED TOTAL MINIMUM PARKING REQUIREMENT = 65-19 = 46 SPACES

PARKING PROVIDED:

ONSITE: 48
 E. JEFFERSON STREET: 1
 E. MARKET STREET: 1
 EXISTING RECIPROCAL ACCESS AND PARKING EASEMENT BETWEEN NULU BRIDGESTONE, LLC AND THE OWNER OF 727 E. JEFFERSON STREET DB 10448 PG 0344: 13
 PROP PARKING AGMT W/ 225 CLAY STREET (VIA): 9
 PROP PARKING AGMT W/ 727 E. JEFFERSON ST (LGB): 19
 PROP PARKING AGMT W/ 223 CLAY STREET (TBD ARCH): 8
 TOTAL: 46

ALTERNATE PARKING AGMTS:
 PROP PARKING AGMT W/ 223 CLAY STREET (TBD ARCH): 5
 PROP PARKING AGMT W/ 725 E. MARKET ST (CREATION GARDENS): 8

REFER TO ASSOCIATED PARKING STUDY FOR MORE INFORMATION

EROSION PREVENTION AND SEDIMENT CONTROL NOTES:

THE APPROVED EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) PLAN SHALL BE IMPLEMENTED PRIOR TO ANY LAND-DISTURBING ACTIVITY ON THE CONSTRUCTION SITE. ANY MODIFICATION TO THE APPROVED EPSC PLAN MUST BE REVIEWED AND APPROVED BY MSD'S PRIVATE DEVELOPMENT REVIEW OFFICE. EPSC BMP'S SHALL BE INSTALLED PER THE PLAN AND MSD STANDARDS.

DETENTION BASINS, IF APPLICABLE, SHALL BE CONSTRUCTED FIRST AND SHALL PERFORM AS SEDIMENT BASINS DURING CONSTRUCTION UNTIL THE CONTRIBUTING DRAINAGE AREAS ARE SEEDED AND STABILIZED.

ACTIONS MUST BE TAKEN TO MINIMIZE THE TRACKING OF MUD AND SOIL FROM THE CONSTRUCTION AREAS ONTO PUBLIC ROADWAYS. SOILS TRACKED ONTO THE ROADWAY SHALL BE REMOVED DAILY.

SOIL STOCKPILES SHALL BE LOCATED AWAY FROM STREAMS, PONDS, SWALES, AND CATCH BASINS. STOCKPILES SHALL BE SEEDED, MULCHED AND ADEQUATELY CONTAINED THROUGHOUT WITH THE USE OF SILT FENCE.

ALL STREAM CROSSINGS MUST UTILIZE LOW-WATER CROSSING STRUCTURES PER MSD STANDARD DRAWING ER-02.

WHERE CONSTRUCTION OR LAND DISTURBANCE ACTIVITY WILL OR HAS TEMPORARILY CEASED ON ANY PORTION OF A SITE, TEMPORARY STABILIZATION MEASURES SHALL BE REQUIRED AS SOON AS PRACTICABLE, BUT NO LATER THAN 14 CALENDAR DAYS AFTER THE ACTIVITY HAS CEASED.

SEDIMENT-LADEN GROUNDWATER ENCOUNTERED DURING TRENCHING, BORING OR OTHER EXCAVATION ACTIVITIES SHALL BE PUMPED TO A SEDIMENT TRAPPING DEVICE PRIOR TO BEING DISCHARGED INTO A STREAM, POND, SWALE OR CATCH BASIN.

MSD NOTE
 ALL RETAIL SHOPS MUST HAVE INDIVIDUAL CONNECTIONS PER MSD'S FATS, OIL AND GREASE POLICY.

PUBLIC WORKS
 CONSTRUCTION PLANS, BOND, AND PERMIT ARE REQUIRED BY METRO PUBLIC WORKS PRIOR TO CONSTRUCTION APPROVAL. A DAMAGE BOND MAY BE REQUIRED FOR ANY ALLEY DAMAGES OCCURRING DURING CONSTRUCTION.

UTILITY NOTE
 COMPATIBLE UTILITIES SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATE AGENCIES.

SIGNAGE NOTE
 SIGNAGE IS TO BE DETERMINED AND PERMITTED AT A LATER DATE.

SIDEWALK NOTE
 EXISTING SIDEWALKS RECONSTRUCTION AND REPAIRS SHALL BE REQUIRED AS NECESSARY TO MEET CURRENT MPW STANDARDS AND SHALL BE INSPECTED PRIOR TO FINAL BOND RELEASE.

AIR POLLUTION NOTE
 MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE PARTICULATE EMISSIONS FROM REACHING EXISTING ROADS AND NEIGHBORING PROPERTIES.

TREE CANOPY CALCULATIONS
 CLASS A PER LDC TABLE 10.1.1
 EXISTING TREE CANOPY = 0%
 REQUIRED NEW TREE CANOPY COVER AREA = 10% = 3,754 SF

REDUCTIONS
 FLOOR AREA RATIO = 0.82
 66% REDUCTION PER LDC 10.1.4B = 2,478 SF

REVISED TREE CANOPY COVER AREA = 1,276 SF

INTERIOR LANDSCAPE AREA
 NONE REQUIRED PER LDC 10.2.12 (FEWER THAN 10 SPACES PROVIDED)
 ILA PROVIDED = 1345 SF

IMPERVIOUS AREA
 THERE IS NO INCREASE IN IMPERVIOUS AREA.

LEGEND

- PROPERTY LINE
- EXISTING CONTOUR
- UTILITY EASEMENT OR EASEMENT OR SETBACK BUFFER
- STREET CENTER LINE
- WALL
- DRAINAGE FLOW ARROW
- EXISTING TREE
- PROPOSED LANDSCAPE AREA
- PARKING SPACE NUMBER
- EXTERNAL TANK

BICYCLE PARKING

MANUFACTURING: LONG TERM = 2 SPACES SHORT TERM = NONE
 RETAIL/RECEPTION HALL: LONG TERM = 2 SPACES SHORT TERM = 4 SPACES
 PROVIDED: LONG TERM = 4 SPACES SHORT TERM = 4 SPACES

FLOOD NOTE:

FLOOD PLAN DETERMINATION IS RESTRICTED TO A REVIEW OF THE FLOOD INSURANCE RATE MAPS LATEST REVISIONS AND SHALL NOT BE CONSTRUED AS A CONFIRMATION OR DENIAL OF FLOODING POTENTIAL. PORTIONS OF THE PROPERTY SHOWN HEREON ARE LOCATED OUTSIDE OF THE 100 YEAR FLOOD ZONE AS INDICATED BY F.E.M.A. MAP NO. 21111C0028E.

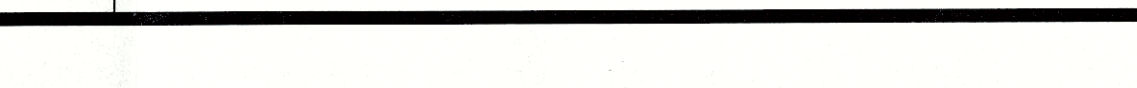
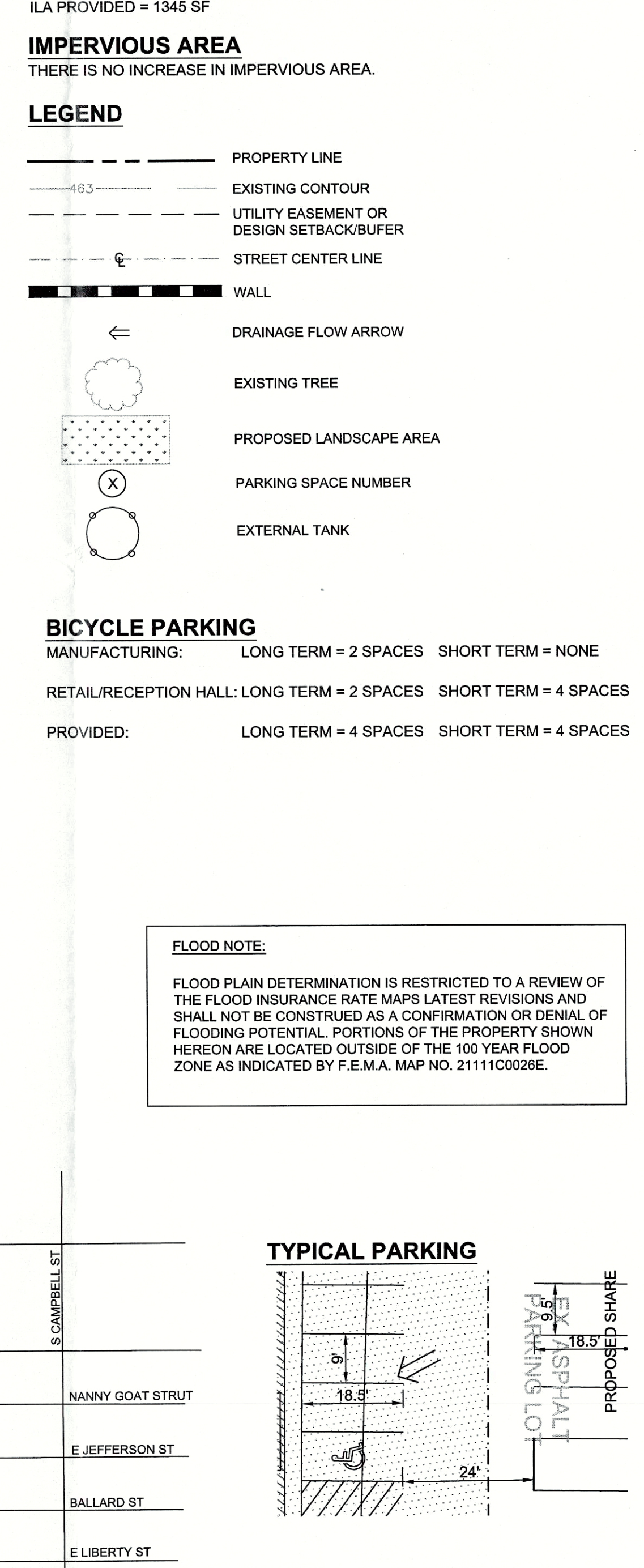
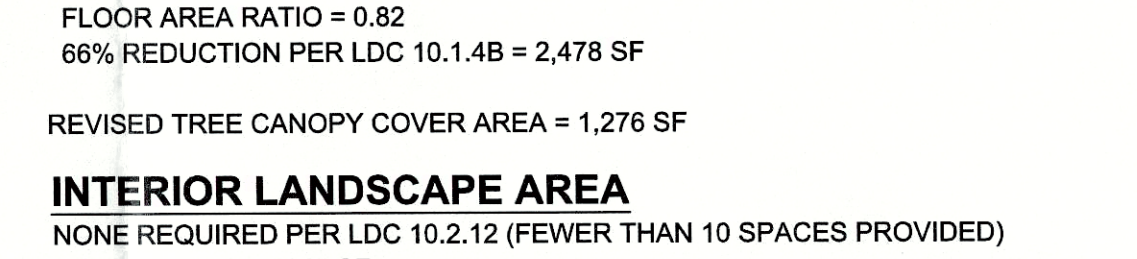
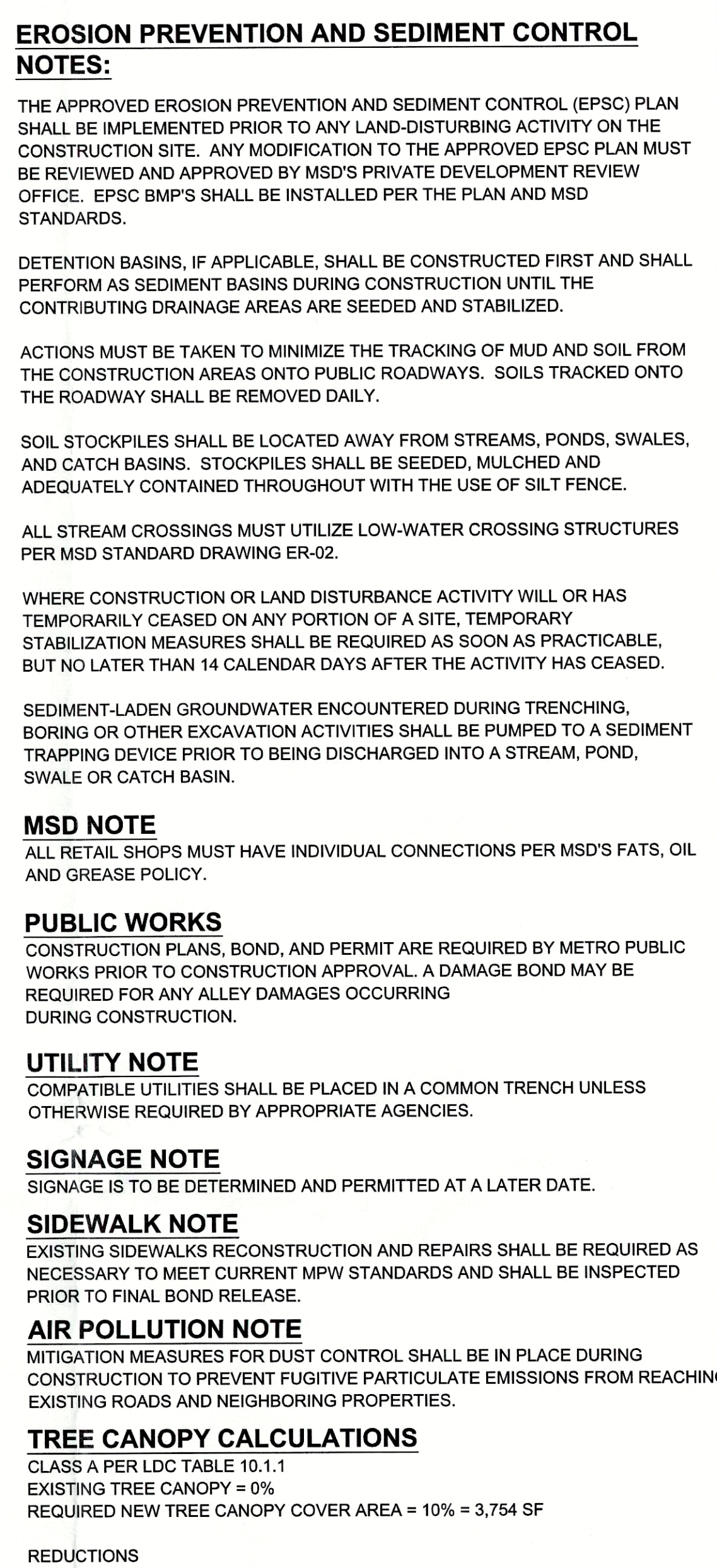
VICINITY MAP

TYPICAL PARKING

1ST FLOOR
 GRAPHIC SCALE SUPERCEDES NUMERIC SCALE: 1" = 20'

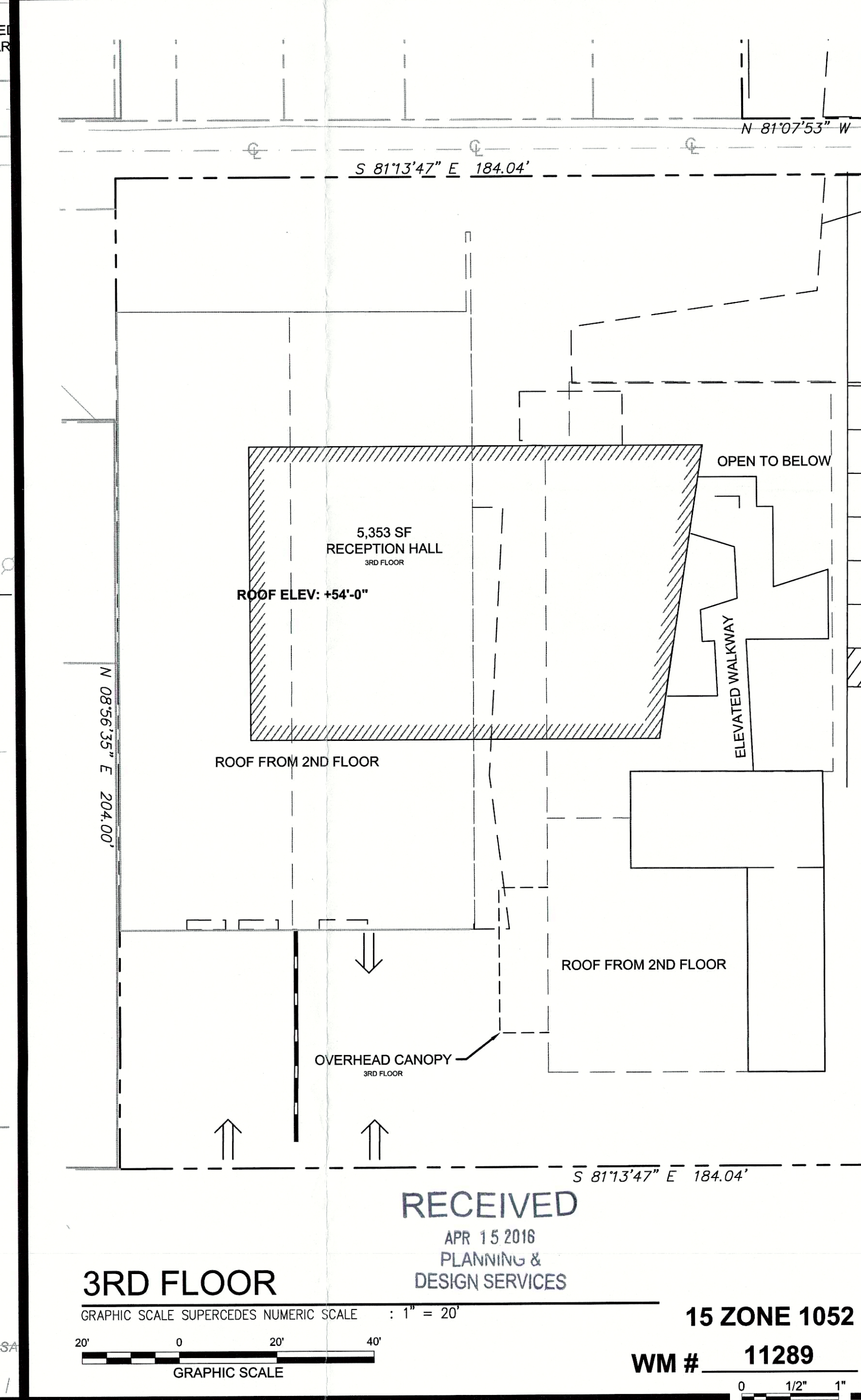
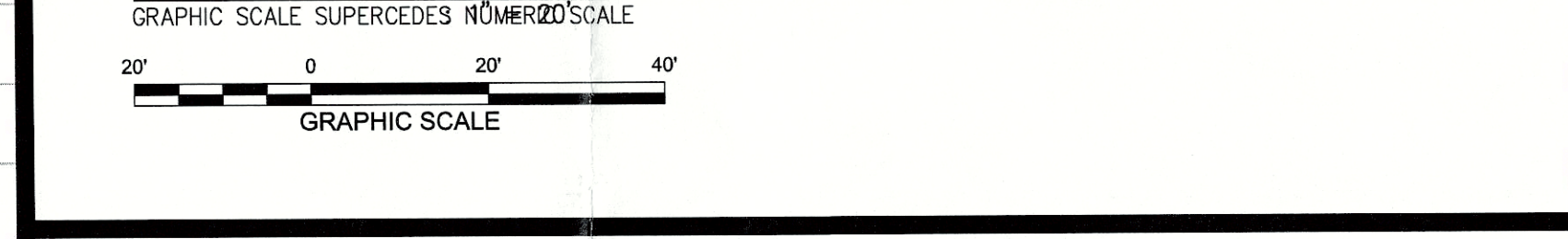
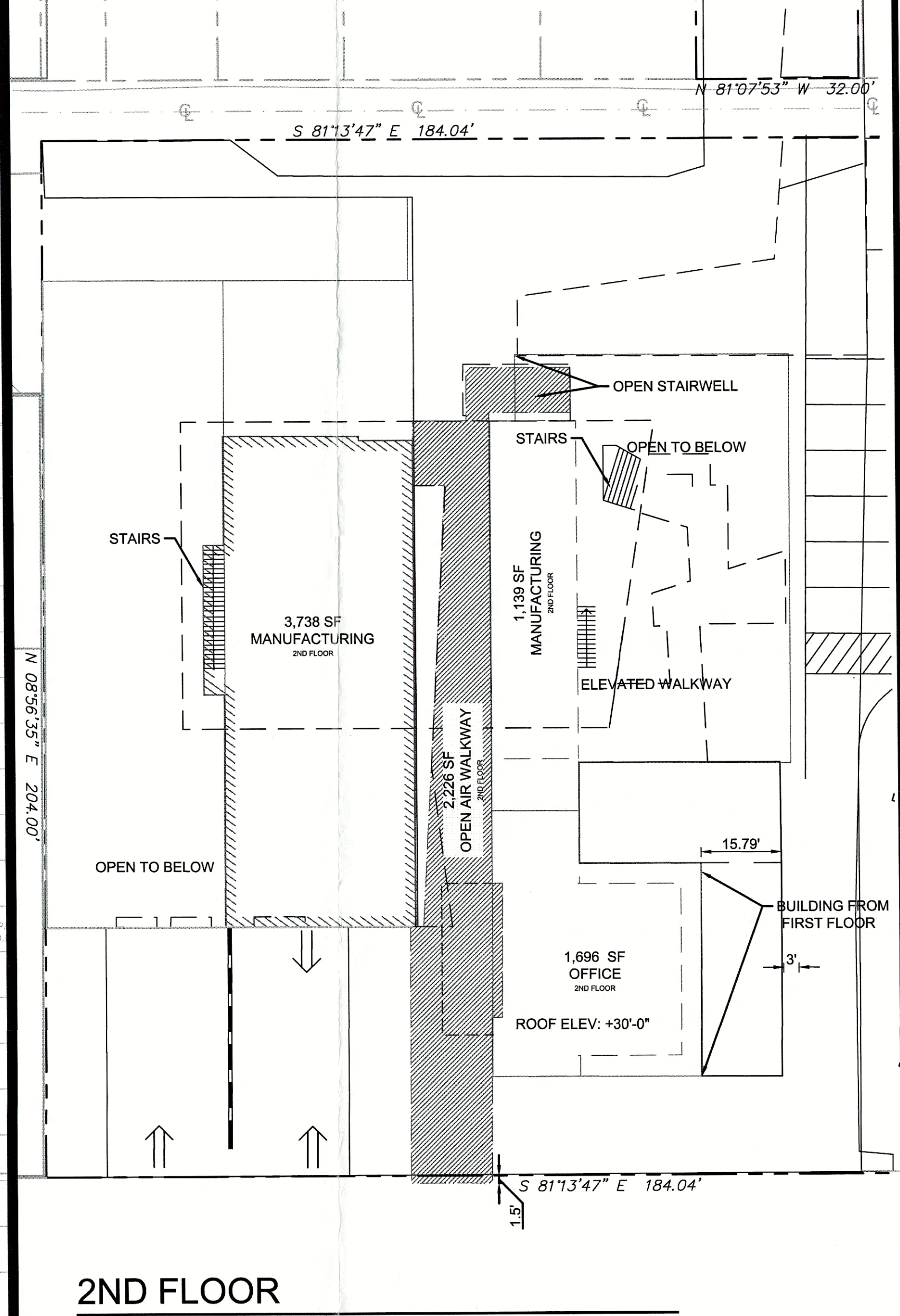
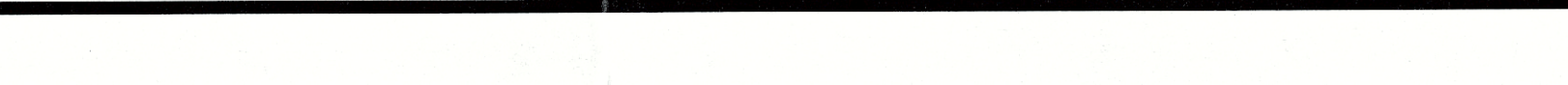
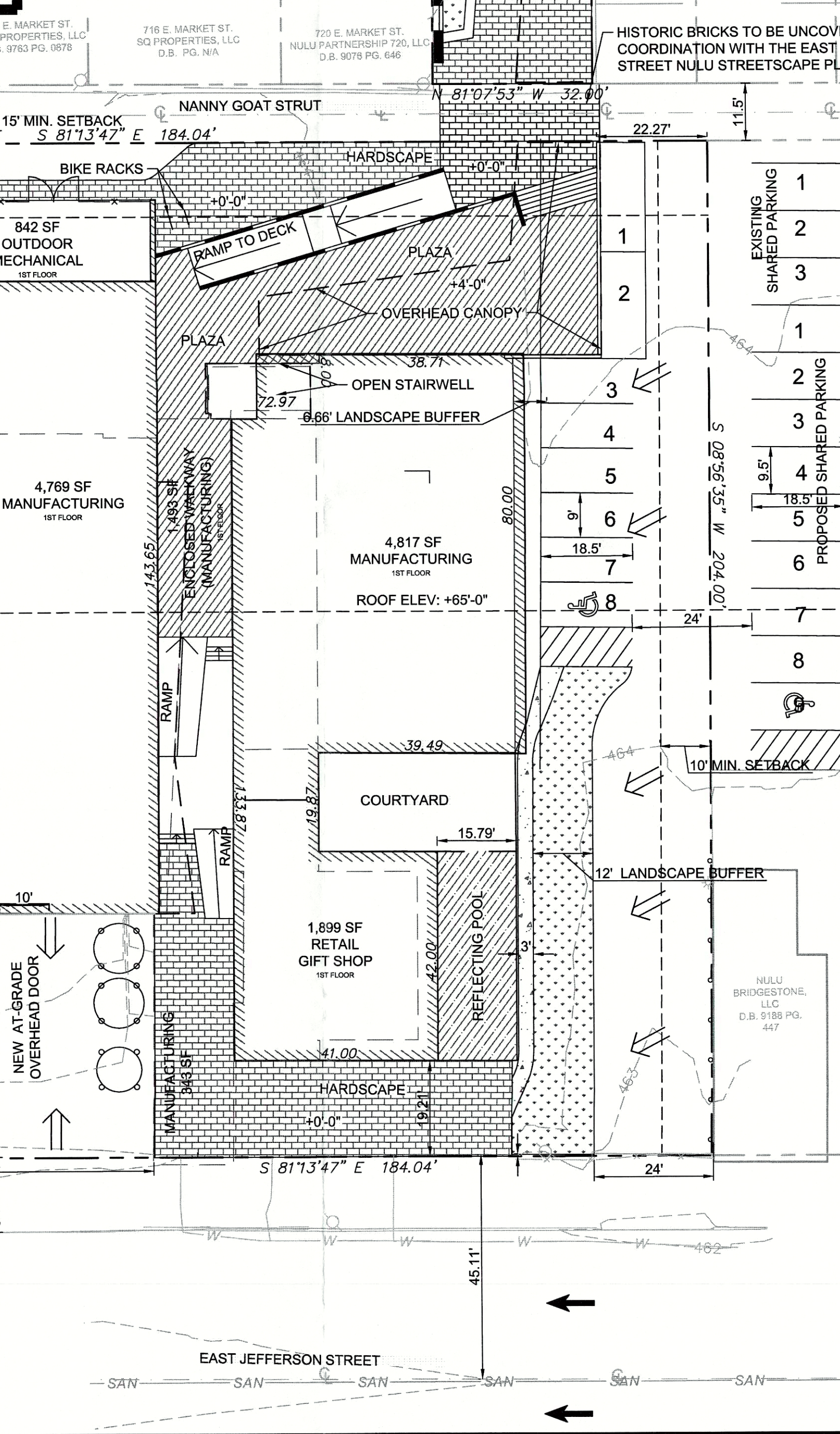
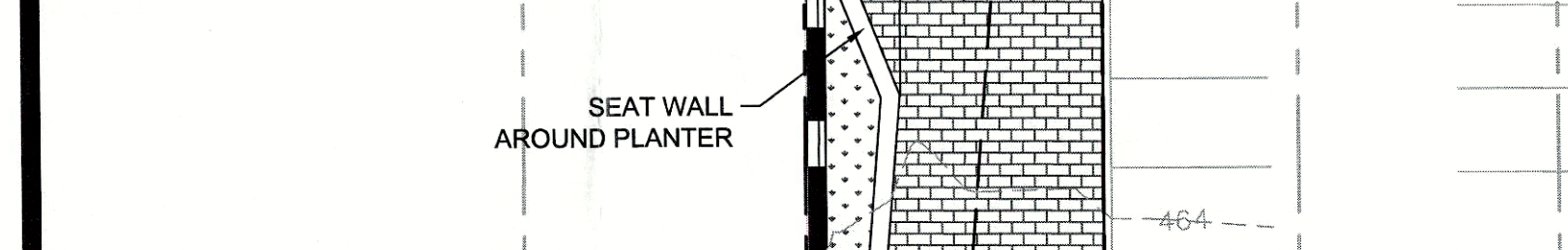
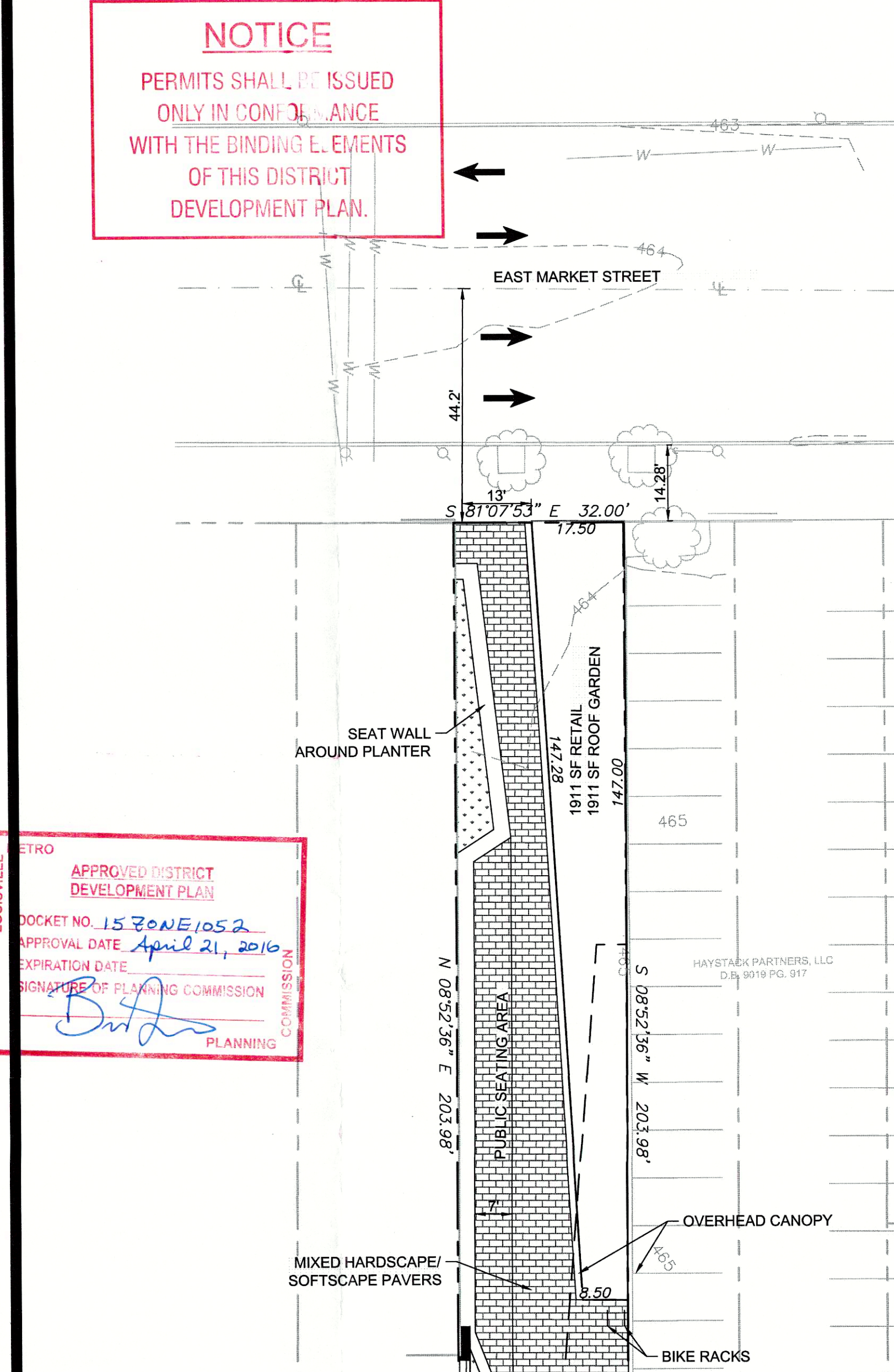
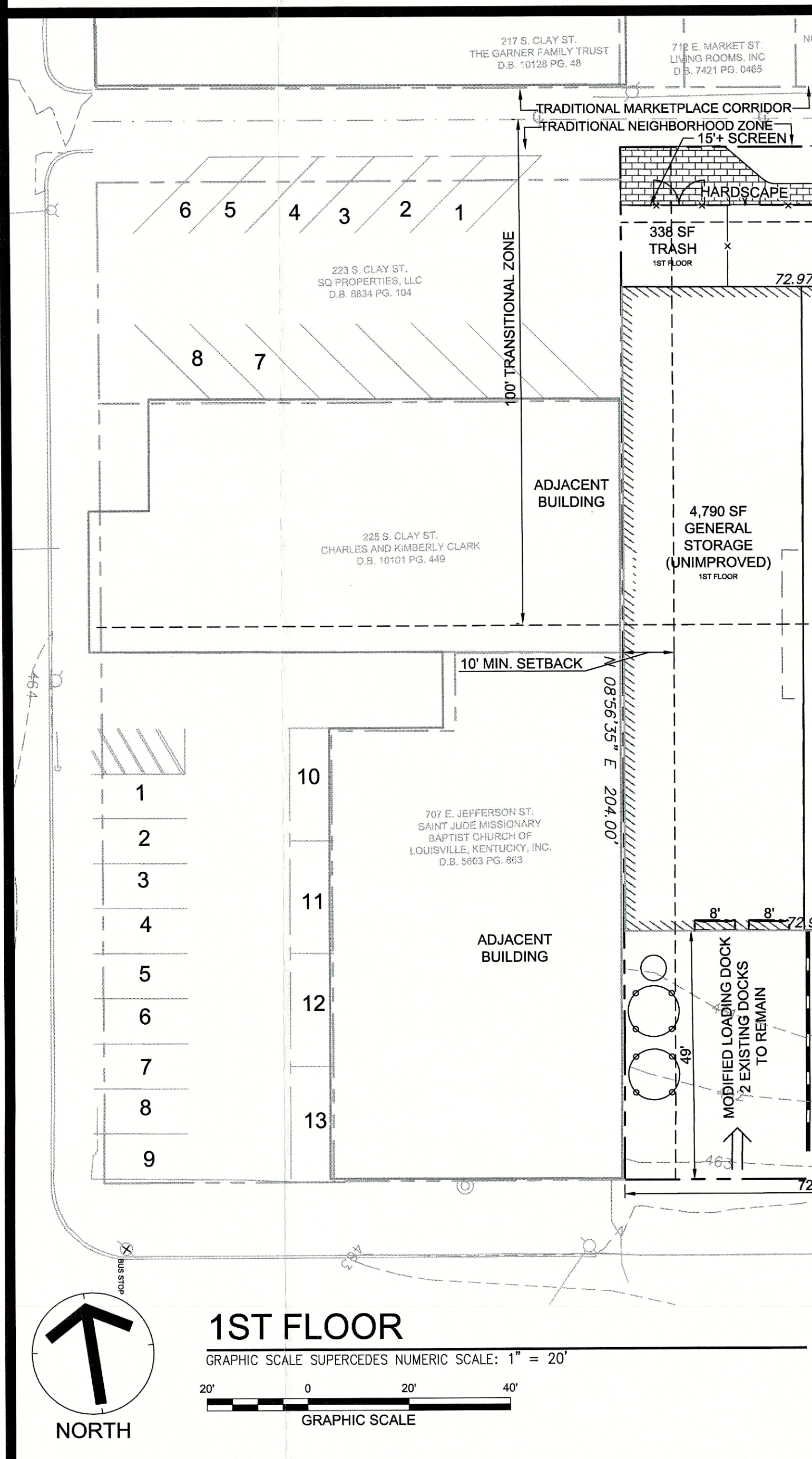
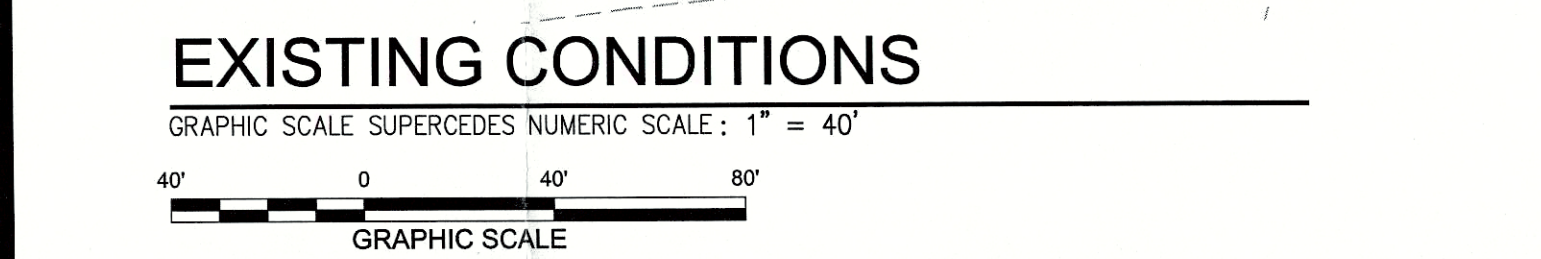
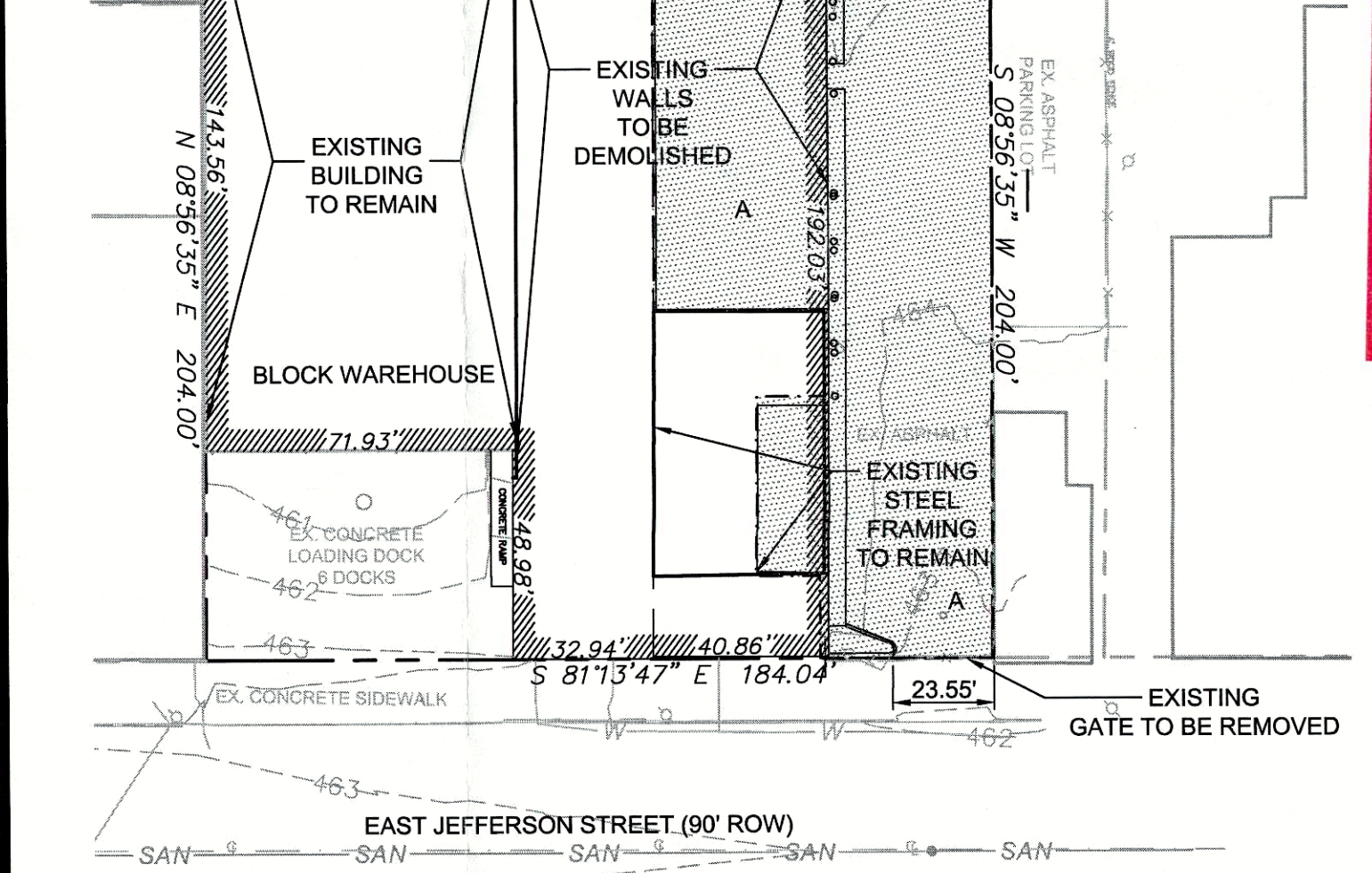
2ND FLOOR
 GRAPHIC SCALE SUPERCEDES NUMERIC SCALE: 1" = 20'

3RD FLOOR
 GRAPHIC SCALE SUPERCEDES NUMERIC SCALE: 1" = 20'



NOTICE
 PERMITS SHALL BE ISSUED ONLY IN CONFORMANCE WITH THE BINDING ELEMENTS OF THIS DISTRICT DEVELOPMENT PLAN.

APPROVED DISTRICT DEVELOPMENT PLAN
 PROJECT NO. 15 ZONE 1052
 APPROVAL DATE: April 21, 2016
 EXPIRATION DATE: [blank]
 SIGNATURE OF PLANNING COMMISSION: [Signature]
 COMMISSION



REVISIONS

#	Date	Description

DATE: 04-14-2016

2015.246
 MADE BY: LT
 CHECKED BY: AMB
 DATE: 04-14-2016
 DEVELOPMENT PLAN
 DDP.1

15 ZONE 1052
 WM # 11289

SCALE SHOWN TO ENSURE REPRODUCTION ACCURACY