

**Development Review Committee**  
**Staff Report**  
August 19, 2015



Case No:	15DEVPLAN1029
Request:	Revised Detailed District Development Plan, Binding Elements, and Waivers for a distillery
Project Name:	Angel's Envy
Location:	101 S. Jackson St.
Owner:	Papillion Property Group, LLC
Applicant:	Papillion Property Group, LLC
Representative:	Land Design & Development, Inc.
Jurisdiction:	Louisville Metro
Council District:	4 – David Tandy
Case Manager:	David B. Wagner – Planner II

**REQUEST**

- Revised Detailed District Development Plan
- Binding Elements
- Waiver of LDC 5.5.5.B.1 to allow accessory structures to be located somewhere other than the rear of the principal structure

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The applicant is proposing an 8,000 SF expansion to existing buildings for a total footprint of 43,072 SF which will be used as a distillery. In addition to the building expansion, the applicant proposes parking spaces, several loading docks facing I-65, and multiple silos for the distillery business. There will be a service drive along the rear of the development with entrances on East Main Street and East Market Street. A required 5' LBA, plantings, and screening will be provided along the rights-of-way where there is no building. The purpose of the Waiver is to allow structures to be placed along the street frontages instead of behind the principal structure.

Existing Zoning District: M-2, Industrial and EZ-1, Enterprise Zone

Proposed Zoning District: N/A

Form District: Downtown

Existing Use: Vacant

Proposed Use: Distillery

Minimum Parking Spaces Required: N/A

Maximum Parking Spaces Allowed: N/A

Parking Spaces Proposed: 11

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Vacant	M-2, EZ-1	DT
<b>Proposed</b>	Distillery	M-2, EZ-1	DT
<b>Surrounding Properties</b>			
<b>North</b>	Parking	CM	DT
<b>South</b>	Interstate ROW	M-2	DT
<b>East</b>	Interstate ROW	M-2, EZ-1	DT
<b>West</b>	Parking, Office	C-3	DT

### PREVIOUS CASES ON SITE

- 9-38-90: Re-zoning for north side of site from M-2 to EZ-1, District Development Plan, Parking Waiver, and Landscape Waiver for an office and warehouse
- 8791: Revised District Development Plan and Landscape Waivers for north side of site for retail use
- 17896: Alley Closures for two alleys within the subject site
- 13DDRO1002: Downtown Overlay District Review was approved
- 13DEVPLAN1024: Previous RDDDP approval for Angel's Envy
- 15DDRO1003: Downtown Overlay District Review was approved

### INTERESTED PARTY COMMENTS

- Staff has not received any inquiries from interested parties.

### APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of LDC 5.5.5.B.1 to allow accessory structures to be located somewhere other than the rear of the principal structure

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

STAFF: The waiver will not adversely affect adjacent property owners since the accessory structures will either be screened by landscaping or be considered a public art piece. Once the landscape plantings mature they will screen the non-art structures just as the LDC intended by requiring them to be placed behind the principal structure.

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

STAFF: Guideline 1, Policy 1 states the Downtown Form District “should give identity to the whole community and should provide for a mixture of high density and intensity uses.” The location of the accessory structures per this Waiver request allows a new public art piece to be added to the community that supports the cultural history and historic land uses in this area of Louisville. Therefore, the Waiver does not violate specific guidelines of Cornerstone 2020.

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

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since the construction project cannot continue on site until this request is approved.

- (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 or would create an unnecessary hardship on the applicant because the developer would not be able to provide the public art piece at this site that also acts as a functional structure for the business.

### **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 on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site and the historic structure will be retained and renovated for reuse on the site.

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

STAFF: The applicant is utilizing existing sidewalks along all the street frontages. There are adequate provisions for pedestrian, bicycle, transit, and vehicular traffic.

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

STAFF: Since open space is not required for this proposal, appropriate open space has been provided for this development as required by LDC regulations.

- 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: As the proposal has been approved under the Downtown Development Review Overlay and renovates the existing historic structures on the site, the proposal is compatible with the surrounding area. The use and zoning are compatible with land uses and zoning in the surrounding areas.

- 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. Guideline 1, Policy 1 states the Downtown Form District “should give identity to the whole community and should provide for a mixture of high density and intensity uses.” The proposal allows a new public art piece to be added to the community that supports the cultural history and historic land uses in this area of Louisville.

### TECHNICAL REVIEW

- Except for the Waiver, the proposal complies with the requirements of the LDC.
- MSD and Transportation Review have given preliminary approval for the plan.

### STAFF CONCLUSIONS

#### Waiver, Revised Detailed District Development Plan, and Binding Elements

Staff analysis in the standard of review section of the staff report indicates the proposed Waiver, RDDDP, and Binding Elements are justified.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards for granting a Waiver, RDDDP, and Binding Elements established in the Land Development Code.

#### Required Actions

- Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must **APPROVE** or **DENY** the Waiver listed in the staff report.
- Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must **APPROVE** or **DENY** the Revised Detailed District Development Plan and Binding Elements listed in the staff report.

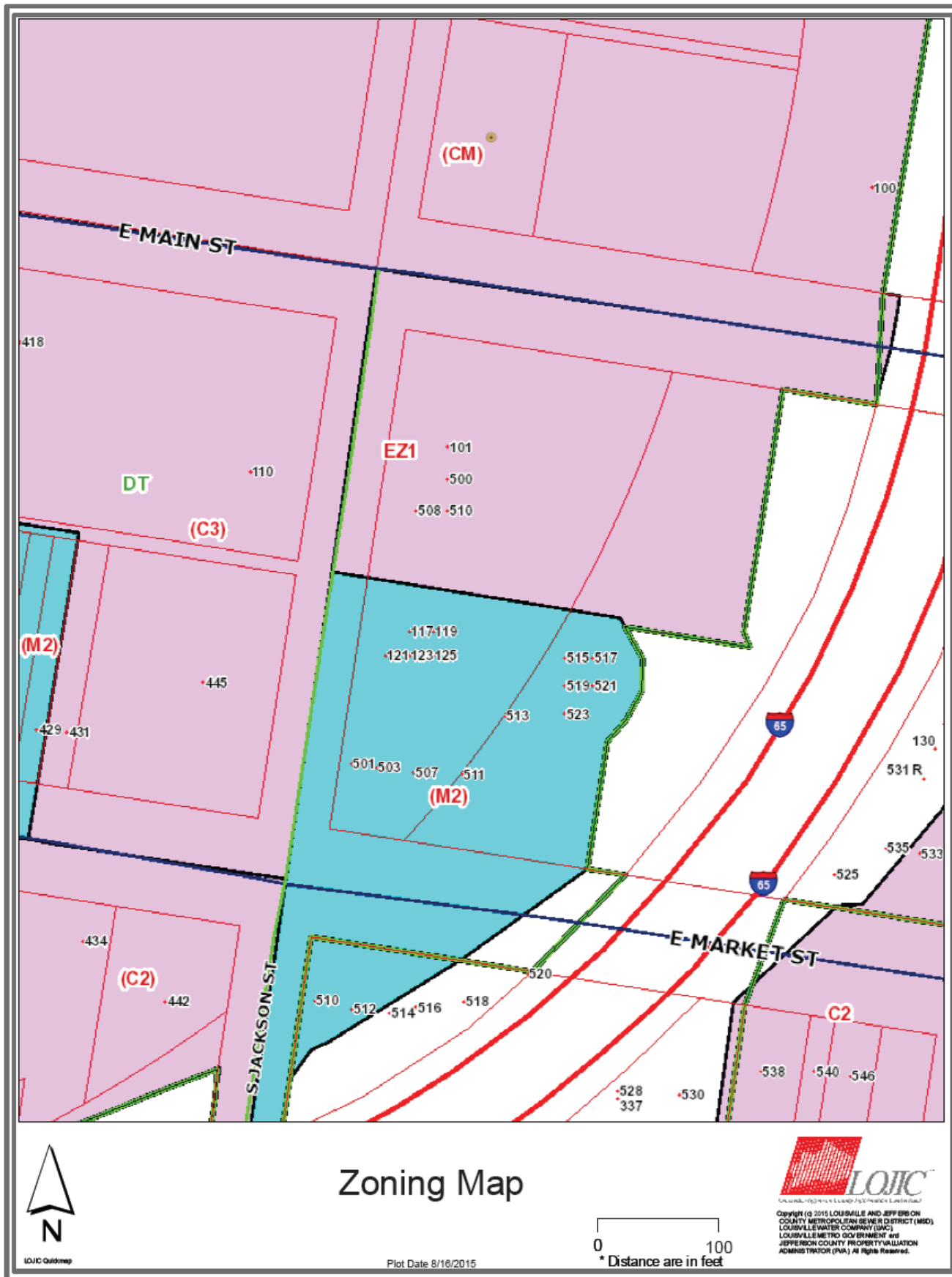
### NOTIFICATION

Date	Purpose of Notice	Recipients
7/29/15	Meeting before DRC	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers to Council District 4 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. 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 rendering as presented at the August 6, 2014 Development Review Committee meeting.

### **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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8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 19, 2015 Development Review Committee meeting.