

# Development Review Committee

## Staff Report

December 2, 2020



<b>Case No:</b>	20-DDP-0062
<b>Project Name:</b>	Rabbit Hole Distillery
<b>Location:</b>	711 E Jefferson Street
<b>Owner(s):</b>	Rabbit Hole Spirits LLC
<b>Applicant:</b>	Rabbit Hole Spirits LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4- Barbara Sexton Smith
<b>Case Manager:</b>	Julia Williams, AICP, Planning Supervisor

### REQUEST(S)

- Revised District Development plan

### CASE SUMMARY/BACKGROUND

The subject property is located in the Phoenix Hill neighborhood, in the NuLu Overlay District, along E Jefferson Street between S Shelby Street and S Clay Street. The site is 0.87 acres in area and is currently being re-developed into a distillery, and a commercial center for associated retail, restaurant, and guest experience uses.

This application involves the construction of a 1,100 SF fermenter building at the rear of the site along the existing Nanny Goat Strut Alley..

Related cases:

18VARIANCE1006- Sign variance

15ZONE1052- Change in zoning from C-2 to EZ-1

20-Variance-0137- Setback variance (to be heard at the 12/7/20 BOZA hearing)

### STAFF FINDING

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code.

### TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

### INTERESTED PARTY COMMENTS

None received.

## **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 are no existing natural resources on the site.

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

STAFF: No additional vehicular or pedestrian facilities are proposed. The applicant will be utilizing existing curb cuts on Jefferson Street and Nanny Goat Strut Alley. There is an existing sidewalk along the property frontage.

- 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.

- 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 applicant is working with MSD to handle stormwater runoff from the site.

- 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 development is in character with the vision for the NULU area. The site has been designed to spark interest and draw people into the site. The proposed architecture of the new building is in keeping with the eclectic style of the NULU area while still respecting the Traditional Neighborhood Form District.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: With the exception of the requested variance the proposed development plan is in keeping with the Land Development Code and complies with the goals and objectives of the Comprehensive Plan.

### **REQUIRED ACTIONS:**

- **APPROVED** or **DENY** the **Detailed District Development Plan with amendments to binding elements**

**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>11/18/20</b>	Hearing before DRC on 12/2/20	1 <sup>st</sup> and 2 <sup>nd</sup> 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 Binding Elements with proposed changes

1. Zoning Map



2. Aerial Photograph



**3. Existing Binding Elements with proposed changes**

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 **and the December 2, 2020 Development Review Committee 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.