

# Planning Commission Staff Report

November 21, 2024



<b>Case No:</b>	24-ZONE-0004
<b>Project Name:</b>	Rabbit Hole Distillery
<b>Location:</b>	703, 707, 709, 711, 727, 731, 747 E Jefferson St; 218 and 220 S Shelby St; 223, 225 and 227 S Clay St
<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 – Jecorey Arthur
<b>Case Manager:</b>	Jay Lockett, AICP, Planning Supervisor

## REQUEST(S)

- **Change-in-Zoning** from C-2 Commercial to EZ-1, Enterprise Zone
- **Revised District Development Plan** with Revisions to Binding Elements

## CASE SUMMARY/BACKGROUND

The applicant is proposing to expand an existing distillery. The subject site is the full block bounded by E Jefferson St, S Clay St, S Shelby St and Nanny Goat Strut. The site contains a variety of uses across several buildings, with the existing distillery roughly in the middle third of the site. The proposal shows demolition of buildings along S Clay St to relocate and expand the loading dock for the site, as well as partial demolition of other structures within the development site. The loading dock currently faces directly onto E Jefferson St from the front façade, with trucks maneuvering within the right-of-way to access the loading area. The new loading dock is proposed to be fully covered by a structure, screening it from public view and moving the truck maneuvering area off the street.

## STAFF FINDING

The proposed zoning change is generally in compliance with the provisions of the Comprehensive Plan. The Revised District Development Plan meets the Land Development Code.

## TECHNICAL REVIEW

Transportation Planning and MSD have approved the Preliminary Development Plan.

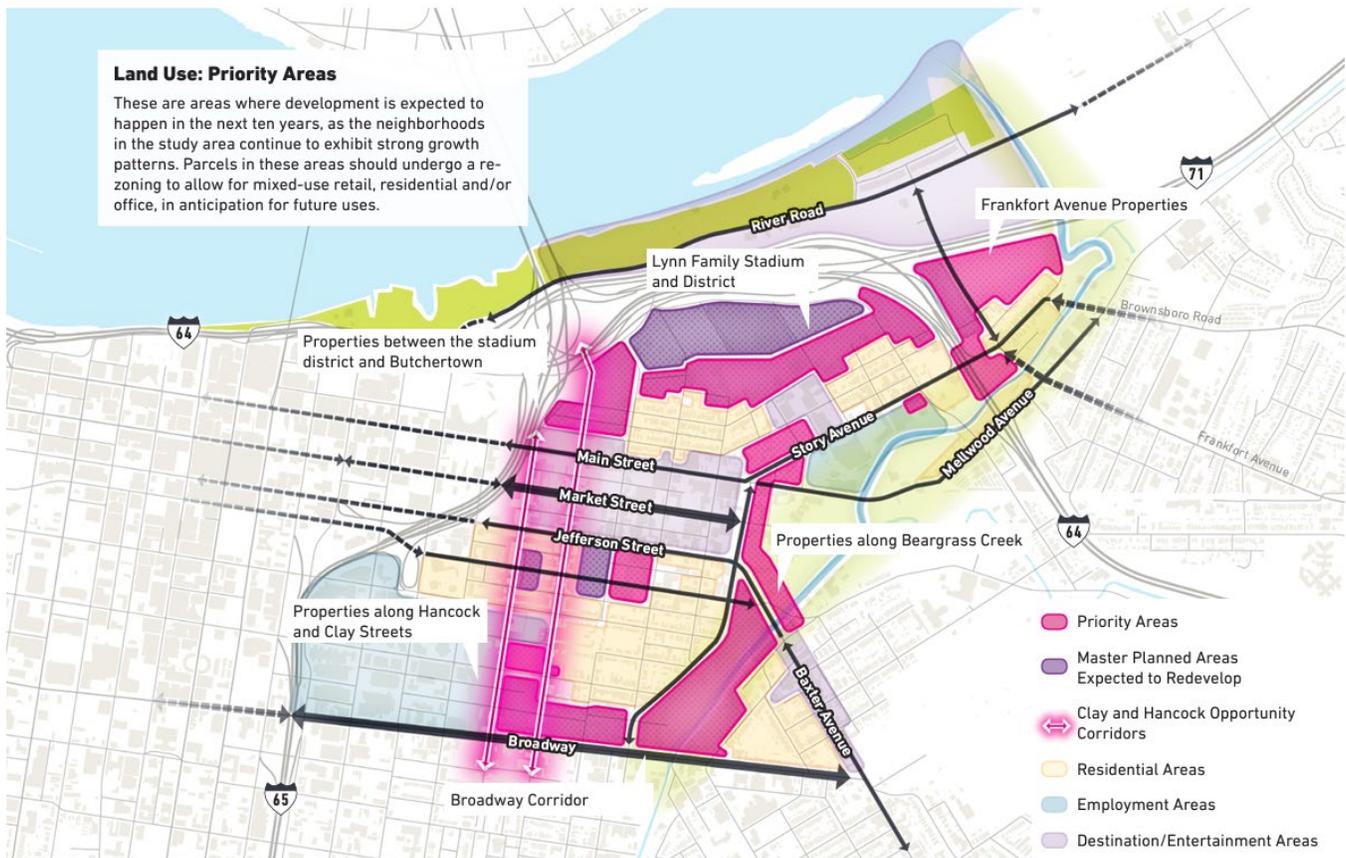
Preliminary design for the development, including demolition of two potentially historic buildings, was approved by the Nulu Development Review Overlay Committee hearing on February 7, 2024.

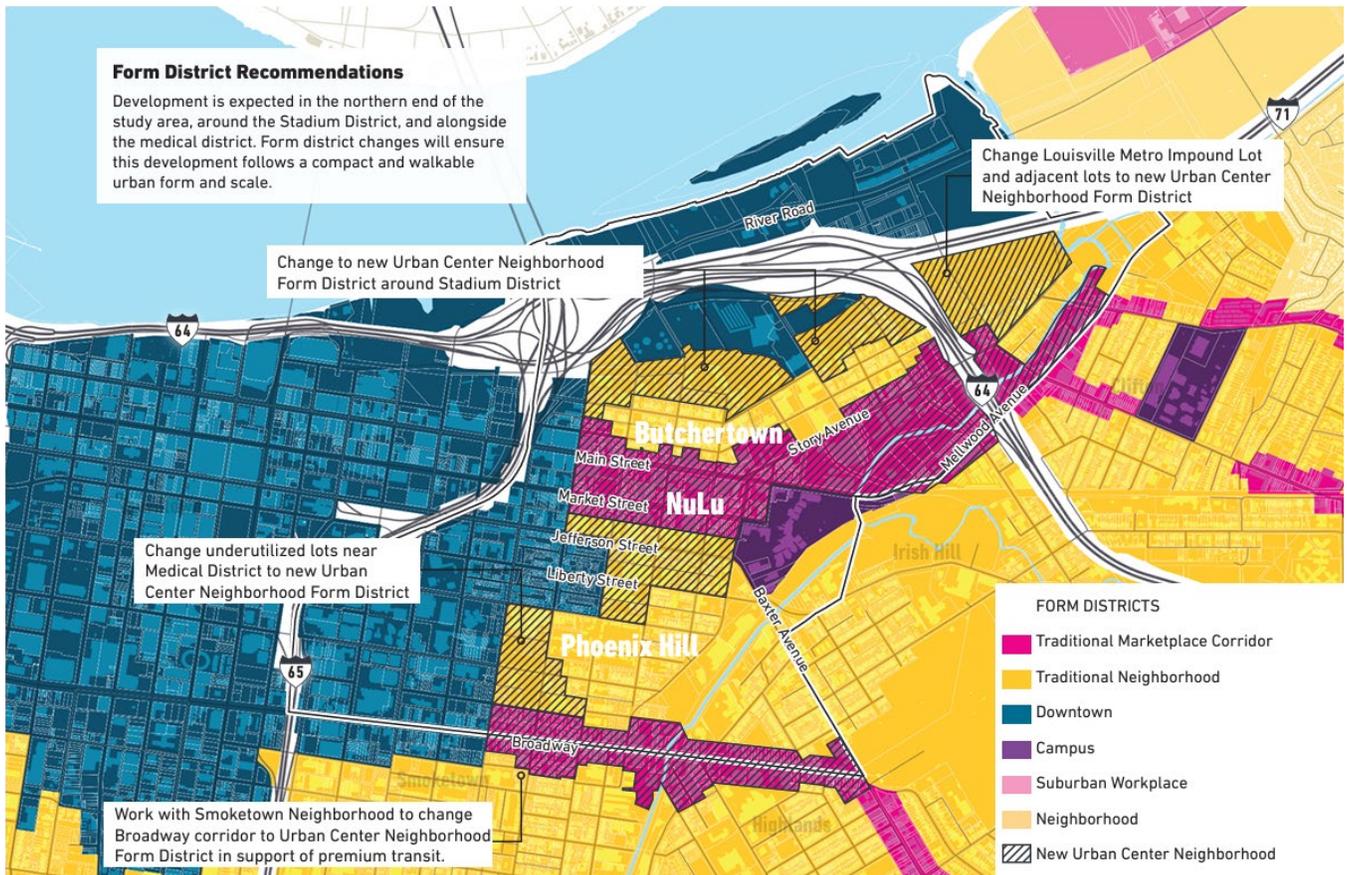
A petition was filed to designate the two buildings at 225 S Clay St and 747 E Jefferson St as individual historic landmarks. The Louisville Metro Historic Landmarks Commission reviewed the request and determined that the buildings did not meet the criteria for individual landmarking.

The site is located within the bounds of the Butchertown, Phoenix Hill & NuLu Neighborhood Plan (2022). That plan does not make specific recommendations with respect to the zoning of the subject site. It is within an area identified as "Destination/Entertainment Area" and along S Clay St which is identified as an "Opportunity Corridor." It is also within the area identified as part of the proposed Urban

Center Neighborhood Form District. Several plan elements may be seen as applicable to the subject development.

- Land Use Goal 2 states: Infill vacant and underutilized properties, targeting known “gaps” and identify industrial properties that may transition into residential, mixed-use, or commercial.
- Land Use Goal 4 states: Collaborate with active industrial and manufacturing users expected to remain in the community.
- Land Use Goal 5 states: Prioritize properties along Hancock and Clay Streets as a neighborhood-scale mixed-use spine.
- Mobility Goal 1 states: Transform major corridors into two-way streets that reflect Complete Streets principles and prioritize pedestrians, cyclists and transit riders over vehicles.
- Mobility Goal 2 states: Use public art, placemaking, and urban activation to improve connectivity gaps within the study area, and at significant gateways.





**INTERESTED PARTY COMMENTS**

See attachments for interested party comments.

## **STANDARD OF REVIEW FOR REZONING**

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Plan 2040; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

## **STAFF ANALYSIS FOR CHANGE IN ZONING**

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Plan 2040.

### The site is located in the Traditional Neighborhood Form District

**Traditional Neighborhood:** This form is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings.

Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are 50 to 120 years old, the Traditional Neighborhood Form may be used when establishing new developments and redevelopments.

Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) in the case of new developments or redevelopments using traditional building scales and site layouts, (c) the preservation of the existing or establishing a new grid pattern of streets and alleys, and (d) preservation of or creation of new public open spaces.

The zoning change would not represent an expansion of non-residential use into a residential area. The area contains a mix of residential, office and commercial uses. There are some industrial uses and EZ-1 zoning areas nearby, especially to the east of S Shelby St. This proposal would expand industrial uses in an area that contains a mix of commercial and residential uses.

The proposed development would move truck loading and maneuvering off the Jefferson St right-of-way and onto the site. A proposed covered loading dock would provide adequate screening and bring the structure to the corner. Jefferson Street is an arterial roadway adjacent to the site. Transit service is available, and a variety of employment and service opportunities exist in the immediate vicinity.

The subject site has historically been used commercially and industrially. The proposal includes demolition of two structures, while also maintaining and utilizing other structures and incorporating new development into a unified site. The proposed development has been reviewed and approved by the

NULU overlay review, including demolition of two potentially historic structures. The Louisville Historic Landmarks Commission reviewed a petition filed by area residents and determined that buildings at 225 S Clay St and 747 E Jefferson St did not meet the criteria for designation as individual landmarks.

The site fits within the context of the traditional neighborhood. The site is in proximity to a variety of commercial uses and employment opportunities. The proposed zoning district would allow a variety of land uses that encourage walkability and alternative modes of travel. The proposed zoning district would permit a variety of residential and commercial development types, and no current residents would be displaced by the proposal.

The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. Louisville Metro Council has zoning authority over the property in question.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or 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: The proposal includes demolition of two buildings at 225 S Clay St and 747 E Jefferson St, preservation of other buildings as well as new construction. NULU overlay has given preliminary approval of the design, including demolition. The Landmarks Commission has determined that the buildings to be demolished do not meet the criteria for designation as individual landmarks. There are no distinct natural features on the site, which is currently developed with a variety of buildings and parking areas.

- (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 Transportation Planning has 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 associated with this request.

- (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 screening has been provided adjacent to the public streets.

- (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 generally conforms to applicable guidelines and policies of the Comprehensive Plan and meets the requirements of the Land Development Code, except where relief is requested.

**REQUIRED ACTIONS:**

- **RECOMMEND** that **Louisville Metro Council APPROVE** or **DENY** the **Change-in-Zoning** from C-2 Commercial to EZ-1, Enterprise Zone
- **APPROVE** or **DENY** the **Revised District Development Plan** with Revisions to Binding Elements

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

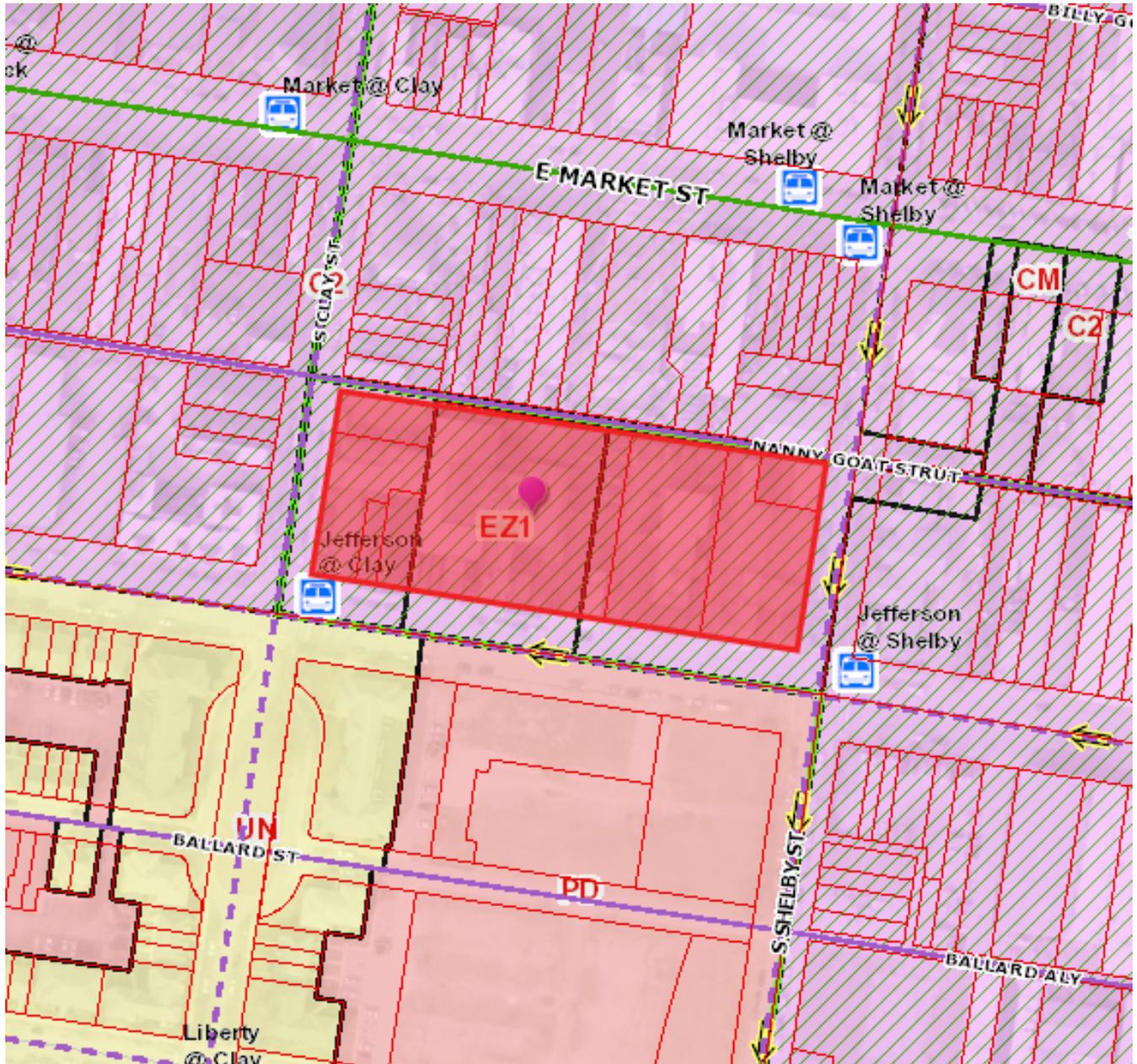
**NOTIFICATION**

Date	Purpose of Notice	Recipients
5-7-24	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 4
6-7-24, 11-6-24	Hearing before Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 4
6-3-24, 11-4-24	Hearing before PC	Sign Posting on property
6-25-24, 11-8-24	Hearing before PC	Legal Advertisement in the Courier-Journal

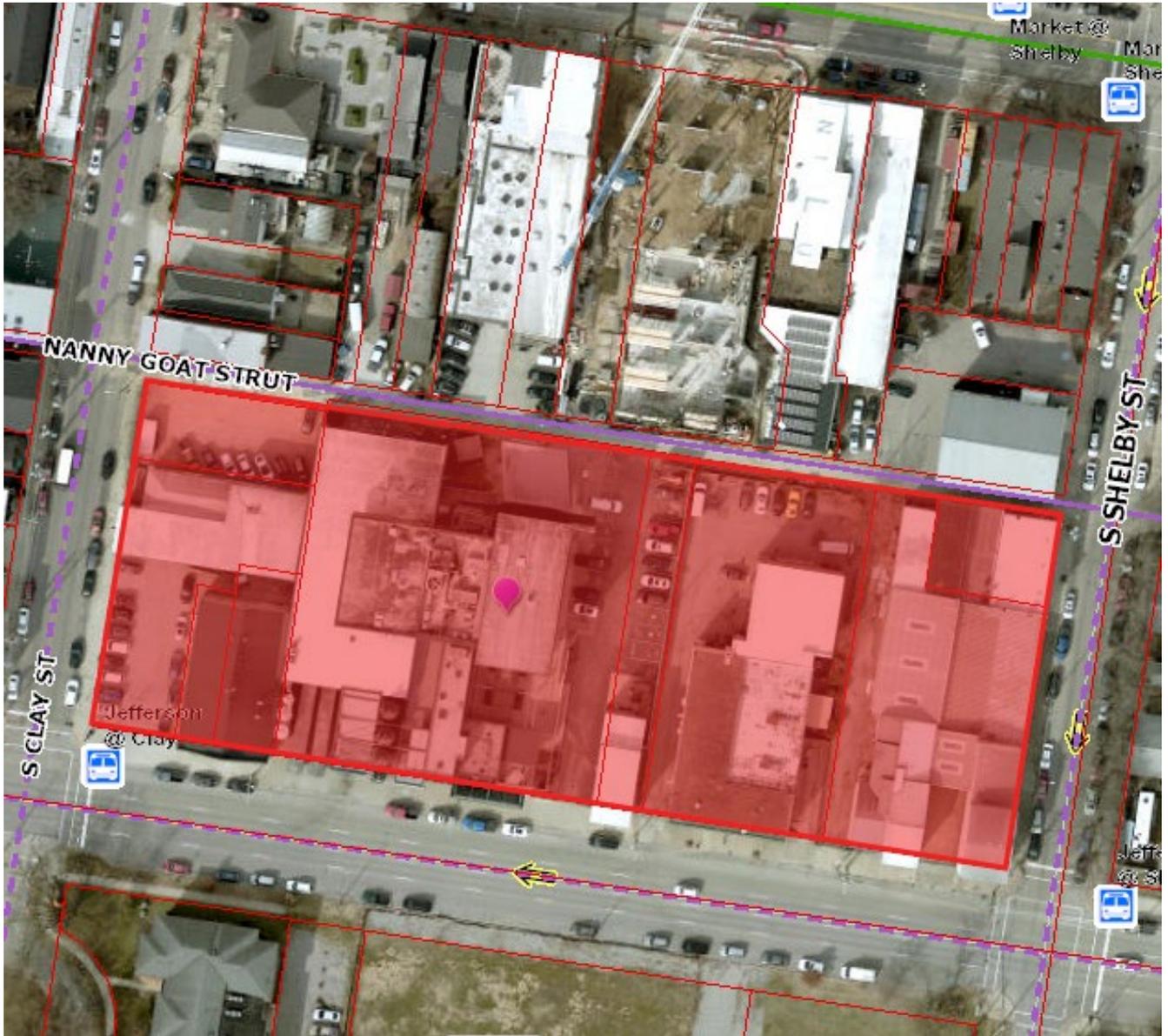
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Staff Plan 2040 Checklist
4. Existing Binding Elements with Proposed Revisions
5. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



### 3. Staff Plan 2040 Checklist

+	Exceeds Guideline
✓	Meets Guideline
-	Does Not Meet Guideline
+/-	More Information Needed
NA	Not Applicable

#### Traditional Neighborhood: Non-Residential

Plan 2040 Plan Elements/Staff Analysis	
1	<p><b><u>Community Form: Goal 1, Policy 6.</u></b> Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential.</p> <p>✓ <b>Staff Analysis:</b> The zoning change would not represent an expansion of non-residential use into a residential area. The area contains a mix of residential, office and commercial uses. There are some industrial uses and EZ-1 zoning areas nearby, especially to the east of S Shelby St. This proposal would expand industrial uses in an area that contains a mix of commercial and residential uses. The proposed development would move truck loading and maneuvering off the Jefferson St right-of-way and onto the site. A proposed covered loading dock would provide adequate screening and bring the structure to the corner.</p>
2	<p><b><u>Community Form: Goal 1, Policy 7.</u></b> Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.</p> <p>✓ <b>Staff Analysis:</b> Jefferson Street is an arterial roadway adjacent to the site. Transit service is available along the site frontage, and a variety of employment and service opportunities exist in the immediate vicinity.</p>
3	<p><b><u>Community Form: Goal 1, Policy 8.</u></b> Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites.</p> <p>✓ <b>Staff Analysis:</b> The area is within the Traditional Neighborhood form district, and there are a variety of residential, commercial and industrial uses in the area. The site is well served by transit in a walkable neighborhood.</p>
4	<p><b><u>Community Form: Goal 1, Policy 15.</u></b> When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted.</p> <p>✓ <b>Staff Analysis:</b> The site will be subject to all lighting and noise standards of the Land Development Code and the Louisville Metro Code of Ordinances. The proposed development plan would move loading off Jefferson St into a covered loading area, which should result in less noise and nuisance to the public and nearby residents.</p>
5	<p><b><u>Community Form: Goal 1, Policy 16.</u></b> Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected.</p> <p>✓ <b>Staff Analysis:</b> The proposed development plan would move loading off Jefferson St into a covered loading area, which should result in less noise and nuisance to the public and nearby residents. The site will be subject</p>

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	to all lighting and noise standards of the Land Development Code and the Louisville Metro Code of Ordinances.
6	<p><b><u>Community Form: Goal 1, Policy 17.</u></b> Mitigate adverse impacts of traffic from proposed development on nearby existing communities.</p> <p>✓ <b><u>Staff Analysis:</u></b> The change in zoning is unlikely to contribute significant additional traffic to the area. The site and immediate vicinity contains a variety of uses and zoning and is well served by transit in a walkable urban neighborhood.</p>
7	<p><b><u>Community Form: Goal 1, Policy 18.</u></b> Mitigate adverse impacts of noise from proposed development on existing communities.</p> <p>✓ <b><u>Staff Analysis:</u></b> noise ordinance is applicable to the site regardless of the zoning district. Moving the loading dock off of Jefferson St and under a covered loading area should reduce adverse noise impacts on nearby residents.</p>
8	<p><b><u>Community Form: Goal 1, Policy 21.</u></b> Require that industries which handle hazardous or flammable materials or are potentially offensive such as junkyards, landfills and quarries are sited to protect public health, safety and welfare and are located away from residential areas and population centers.</p> <p>+/- <b><u>Staff Analysis:</u></b> The proposed uses of the site can be compatible with the mix of uses in the area when well managed. Additional future industrial uses should be closely scrutinized to ensure continued compatibility.</p>
9	<p><b><u>Community Form: Goal 2, Policy 1.</u></b> Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure.</p> <p>✓ <b><u>Staff Analysis:</u></b> The site is within an established activity center containing a wide mix of zoning and uses.</p>
10	<p><b><u>Community Form: Goal 2, Policy 4.</u></b> Allow non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity.</p> <p>✓ <b><u>Staff Analysis:</u></b> Appropriate access and connectivity exists to allow the development within the context of the Traditional Neighborhood form district.</p>
11	<p><b><u>Community Form: Goal 2, Policy 5.</u></b> Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it.</p> <p>✓ <b><u>Staff Analysis:</u></b> The proposed zoning would permit a variety of uses in an area with adequate population to support them.</p>
12	<p><b><u>Community Form: Goal 2, Policy 6.</u></b> Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.</p> <p>✓ <b><u>Staff Analysis:</u></b> The proposed zoning district will result in a compact development pattern and efficient mix land uses that utilizes existing infrastructure.</p>
13	<p><b><u>Community Form: Goal 2, Policy 7.</u></b> Encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place.</p> <p>✓ <b><u>Staff Analysis:</u></b> The proposed zoning district would allow a variety of land uses that encourage walkability and alternative modes of travel. The subject site has historically been used commercially and industrially.</p>
14	<p><b><u>Community Form: Goal 2, Policy 8.</u></b> Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings.</p> <p>✓ <b><u>Staff Analysis:</u></b> The zoning district would allow for a variety of uses, including mixed residential and commercial uses.</p>
15	<p><b><u>Community Form: Goal 2, Policy 9.</u></b> Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.</p> <p>✓ <b><u>Staff Analysis:</u></b> The development would allow an existing industrial development to expand onto adjacent previously developed sites. The proposed development would include a mix of new and renovated structures.</p>
16	<p><b><u>Community Form: Goal 2, Policy 10.</u></b> Encourage outlot development in underutilized parking lots of existing development to promote utilization of existing infrastructure provided specific criteria for elements such as location, scale, signs, parking, lighting, and landscaping are met. Outlot development shall encourage street-level retail with residential units above.</p> <p>NA <b><u>Staff Analysis:</u></b> The subject site is not an outlot on a larger commercial development.</p>

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17	<p><b><u>Community Form: Goal 2, Policy 11.</u></b> <i>Ensure appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> The site is located within an existing activity center with a variety of uses and zoning districts.</p>
18	<p><b><u>Community Form: Goal 3, Policy 9.</u></b> <i>Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> The site is previously developed and does not contain distinctive natural features.</p>
19	<p><b><u>Community Form: Goal 3, Policy 10.</u></b> <i>Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> The site is previously developed and does not have potential hydric soils or erosion concerns.</p>
20	<p><b><u>Community Form: Goal 3, Policy 11.</u></b> <i>Encourage land uses within the Ohio River Corridor that are appropriate for and related to river corridor activities and that are consistent with the goals and objectives of the Ohio River Corridor Master Plan. Reserve appropriate riverfront sites such as the Upper River Road industrial area for river-related development. Allow development of commercial leisure businesses related to the river, such as boating services and restaurants in appropriate locations. Encourage new development in the Ohio River corridor and along key greenway and street connections to provide for public access in new riverfront development and to maintain views of the river from public rights-of-way.</i></p> <p>NA <b><u>Staff Analysis:</u></b> The subject site is not along the Ohio River.</p>
21	<p><b><u>Community Form: Goal 3, Policy 12.</u></b> <i>When reviewing proposed developments consider changes to flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development.</i></p> <p>NA <b><u>Staff Analysis:</u></b> The subject site is not in the flood plain.</p>
22	<p><b><u>Community Form: Goal 4, Policy 1.</u></b> <i>Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> The proposed development has been reviewed and approved by the NULU overlay review, including demolition of two potentially historic structures. The Landmarks Commission has determined that the buildings to be demolished at 225 S Clay and 747 E Jefferson do not meet the criteria for designation as individual landmarks.</p>
23	<p><b><u>Community Form: Goal 4, Policy 2.</u></b> <i>Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> The proposal includes demolition of two structures, while also maintaining and utilizing other structures and incorporating new development into a unified site. The proposed development has been reviewed and approved by the NULU overlay review, including demolition of two structures.</p>
24	<p><b><u>Mobility: Goal 1, Policy 4.</u></b> <i>Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> The site fits within the context of the traditional neighborhood. The site is in proximity to a variety of commercial uses and employment opportunities. The proposed zoning district supports transit-oriented development patterns.</p>
25	<p><b><u>Mobility: Goal 2, Policy 4.</u></b> <i>Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> The site is served by existing public roadways and would not create additional access through areas of lower intensity.</p>
26	<p><b><u>Mobility: Goal 3, Policy 1.</u></b> <i>Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling.</i></p> <p>✓ <b><u>Staff Analysis:</u></b> The proposed zoning would allow a mix of neighborhood serving uses that encourage walking and biking.</p>

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27	<p><b><u>Mobility: Goal 3, Policy 2.</u></b> To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.</p> <p>✓ <b><u>Staff Analysis:</u></b> The proposed zoning would allow a mix of neighborhood serving uses that encourage a reduction in vehicle miles traveled.</p>
28	<p><b><u>Mobility: Goal 3, Policy 3.</u></b> Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices.</p> <p>✓ <b><u>Staff Analysis:</u></b> The proposed zoning would allow a mix of neighborhood serving uses that facilitate housing and transportation options.</p>
29	<p><b><u>Mobility: Goal 3, Policy 4.</u></b> Encourage development of walkable centers to connect different modes of travel. Siting of these multi-modal centers shall consider the effects of the following: <b>4.1.</b> nodal connections identified by Move Louisville; <b>4.2.</b> impact on freight routes; <b>4.3.</b> time of operation of facilities; <b>4.4.</b> safety; <b>4.5.</b> appropriate linkages between neighborhoods and employment; and <b>4.6.</b> the potential for reducing travel times and vehicle miles traveled.</p> <p>✓ <b><u>Staff Analysis:</u></b> The proposed zoning would allow a mix of neighborhood serving uses that encourage a reduction in vehicle miles traveled through an efficient land use pattern.</p>
30	<p><b><u>Mobility: Goal 3, Policy 5.</u></b> Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.</p> <p>✓ <b><u>Staff Analysis:</u></b> The subject site is well served by existing transportation networks.</p>
31	<p><b><u>Mobility: Goal 3, Policy 6.</u></b> Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.</p> <p>✓ <b><u>Staff Analysis:</u></b> The applicant will improve sidewalks and restore excess curb cuts adjacent to the site as needed. Transportation Planning has approved the proposal.</p>
32	<p><b><u>Mobility: Goal 3, Policy 9.</u></b> When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.</p> <p>✓ <b><u>Staff Analysis:</u></b> The applicant will improve sidewalks and restore excess curb cuts adjacent to the site as needed. Transportation Planning has approved the proposal.</p>
33	<p><b><u>Mobility: Goal 3, Policy 10.</u></b> Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.</p> <p>✓ <b><u>Staff Analysis:</u></b> Transportation Planning has reviewed and approved the proposal.</p>
34	<p><b><u>Community Facilities: Goal 2, Policy 1.</u></b> Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.</p> <p>✓ <b><u>Staff Analysis:</u></b> Utility service will be coordinated.</p>
35	<p><b><u>Community Facilities: Goal 2, Policy 2.</u></b> Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.</p> <p>✓ <b><u>Staff Analysis:</u></b> Water service will be coordinated with Louisville Water Company.</p>
36	<p><b><u>Community Facilities: Goal 2, Policy 3.</u></b> Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).</p> <p>✓ <b><u>Staff Analysis:</u></b> MSD has approved the preliminary development plan.</p>
37	<p><b><u>Economic Development: Goal 1, Policy 2.</u></b> Encourage industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs.</p> <p>✓ <b><u>Staff Analysis:</u></b> The proposal would permit expansion of an existing industrial use. The area includes a wide variety of zoning districts and uses, including other industrial uses and zoning nearby.</p>

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<p>38</p> <p>✓</p>	<p><b><u>Economic Development: Goal 1, Policy 3.</u></b> <i>Locate commercial uses generating high volumes of traffic on a major arterial street, at the intersection of two minor arterials, or at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas.</i></p> <p><b><u>Staff Analysis:</u></b> E Jefferson is a Minor Arterial, with the nearest major arterial E Market St approximately 200 feet from the site.</p>
<p>39</p> <p>NA</p>	<p><b><u>Economic Development: Goal 1, Policy 4.</u></b> <i>Utilize industrial sites near the airport and the Ohio River to support the growth and development of uses whose infrastructure and production needs require such a location or for land uses that support airport-oriented or river-oriented industrial uses.</i></p> <p><b><u>Staff Analysis:</u></b> The site is not immediately adjacent to the Ohio River or the Airport.</p>
<p>40</p> <p>✓</p>	<p><b><u>Economic Development: Goal 1, Policy 5.</u></b> <i>Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.</i></p> <p><b><u>Staff Analysis:</u></b> E Jefferson is a Minor Arterial, with the nearest major arterial E Market St approximately 200 feet from the site.</p>
<p>41</p> <p>✓</p>	<p><b><u>Livability: Goal 1, Policy 17.</u></b> <i>Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.</i></p> <p><b><u>Staff Analysis:</u></b> The site does not have potential for erosion or other environmental concerns.</p>
<p>42</p> <p>NA</p>	<p><b><u>Livability: Goal 1, Policy 21.</u></b> <i>Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.</i></p> <p><b><u>Staff Analysis:</u></b> The subject site is not in the flood plain.</p>
<p>43</p> <p>NA</p>	<p><b><u>Livability: Goal 1, Policy 24.</u></b> <i>Ensure, to the extent feasible, that critical facilities and those that store or use hazardous wastes are located outside the regulatory floodplain. Where essential community facilities must be located within a floodplain (e.g., pumping stations), ensure that these facilities are designed, located and operated in a manner that minimizes loss of services during flood events as well as limits, to the extent possible, floodplain disturbance.</i></p> <p><b><u>Staff Analysis:</u></b> The subject site is not in the flood plain.</p>
<p>44</p> <p>✓</p>	<p><b><u>Housing: Goal 1, Policy 2.</u></b> <i>Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.</i></p> <p><b><u>Staff Analysis:</u></b> The proposed zoning district would allow for a variety of housing types and densities. The site is near a variety of services that support aging in place. Transit is available.</p>
<p>45</p> <p>✓</p>	<p><b><u>Housing: Goal 2, Policy 1.</u></b> <i>Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.</i></p> <p><b><u>Staff Analysis:</u></b> The proposed zoning district would allow for a variety of housing types and densities within the Traditional Neighborhood form district.</p>
<p>46</p> <p>✓</p>	<p><b><u>Housing: Goal 2, Policy 2.</u></b> <i>Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.</i></p> <p><b><u>Staff Analysis:</u></b> The site is along a major transportation corridor that affords access to employment opportunity and a variety of housing, amenities and commercial services.</p>

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47	<b>Housing: Goal 3, Policy 2.</b> <i>As neighborhoods evolve, discourage displacement of existing residents from their community.</i>
✓	<b>Staff Analysis:</b> Residents would not be displaced by the proposal.
47	<b>Housing: Goal 3, Policy 3.</b> <i>Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.</i>
✓	<b>Staff Analysis:</b> The proposed zoning allows for mixed uses and a variety of housing options that promotes the provisioning of fair and affordable housing.

**4. 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site
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 Construction Review, Transportation Planning Review **Louisville Metro Public Works** and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Louisville Metro Public Works.
  - 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.**
  - d. The materials and design of proposed structures shall be substantially the same as depicted in the renderings as approved by the Nulu Development Review Overlay Committee hearing on February 7, 2024, or as amended per a subsequent approved overlay permit.**
  - e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff and shall be substantially the same as shown at the July 11, 2024 and November 21, 2024 Planning Commission Public Hearings. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.**
- ~~4. 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.~~

- 5.4 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. **Except for the binding element restricting loading dock hours (BE #8)**, 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.
- 6.5 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).
- 7.6 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.
- ~~8. 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.~~
- ~~9. 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.~~
- ~~10.7. No idling of trucks shall take place within 200 feet of residences. No overnight idling of trucks shall be permitted on-site.~~
- ~~11. 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.~~
- ~~12. No trucks shall be permitted to encroach into the public right of way.~~
- ~~13. 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.~~
- 8. After the appropriate code enforcement department issues a certificate of occupancy for the newly constructed loading dock area and associated truck canopy on the subject site, loading dock activity shall only be permitted between 8 AM and 6 PM on weekdays, and between 9 AM and 5 PM on Saturday and Sunday.**

- 9. The development shall be in conformance with all conditions of the approved Nulu Overlay Permit No. 23-OVERLAY-0088 or any additional conditions agreed to under a subsequent approved permit.**
- 10. The only permitted uses shall be those permitted in the C-2 and M-1 zoning district except for a distillery and associated accessory uses. No other uses permitted in the M-2 or M-3 zoning district shall be permitted on site unless expressly approved by the Planning Commission following a public hearing.**
- 11. The following uses, while normally permitted in the EZ-1 zoning district shall not be permitted on the subject site:**  
**Automobile rental agencies**  
**Automobile service stations**  
**Car washes**  
**Automobile repair garages**  
**Automobile Sales**  
**Boat sales and related storage**  
**Outdoor storage**  
**Heavy truck parking (except as accessory to a use approved by the Planning Commission)**  
**Heavy truck, bus, RV or other heavy motor driven vehicle sales, rental or repair**
- 12. Before or after accessing the site, no use-related semi-trucks shall be permitted to park on E Jefferson St or S Clay St while waiting to enter or after exiting the site.**
- 13. Within 3 years of issuance of a Certificate of Occupancy, all overhead utilities adjacent to the site shall be moved underground as permitted by affected utility agencies.**
- 14. Prior to the date a Certificate of Occupancy is requested, the following sound reductions measures shall be completed:**  
**1. An acoustical enclosure shall be installed for the grain extraction equipment as referenced at the July 11, 2024 Planning Commission hearing;**  
**2. The chiller exhaust fans in the alley shall be removed and;**  
**3. A concrete sound attenuating wall that is not less than 10 feet tall shall be constructed around the loading area as indicated on the approved renderings.**
- 15. Prior to altering the site in accordance with the approved plan, a sound study shall be conducted to establish baseline sound levels for areas around the site during normal operations. The sound study shall include readings at neighboring properties across streets and alleys and include data during operation of exhaust fans, grain extraction equipment and loading dock activity. An updated sound study shall be performed and provided to the Louisville Metro Planning Commission for review within 180 days of receiving a Certificate of Occupancy. This study shall include peak operating hours and measurements taken from those locations previously indicated in the sound study of record unless otherwise approved by the Planning Commission. Review of the updated study shall occur in a Business Session of the Planning Commission.**

## 5. **Proposed 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site
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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Louisville Metro Public Works.
  - 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.
  - d. The materials and design of proposed structures shall be substantially the same as depicted in the renderings as approved by the Nulu Development Review Overlay Committee hearing on February 7, 2024, or as amended per a subsequent approved overlay permit.
  - e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff and shall be substantially the same as shown at the July 11, 2024 and November 21, 2024 Planning Commission Public Hearings. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
4. 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. Except for the binding element restricting loading dock hours (BE #8), 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.
5. 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).
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.

7. No idling of trucks shall take place within 200 feet of residences. No overnight idling of trucks shall be permitted on-site.
8. After the appropriate code enforcement department issues a certificate of occupancy for the newly constructed loading dock area and associated truck canopy on the subject site, loading dock activity shall only be permitted between 8 AM and 6 PM on weekdays, and between 9 AM and 5 PM on Saturday and Sunday.
9. The development shall be in conformance with all conditions of the approved Nulu Overlay Permit No. 23-OVERLAY-0088 or any additional conditions agreed to under a subsequent approved permit.
10. The only permitted uses shall be those permitted in the C-2 and M-1 zoning district except for a distillery and associated accessory uses. No other uses permitted in the M-2 or M-3 zoning district shall be permitted on site unless expressly approved by the Planning Commission following a public hearing.
11. The following uses, while normally permitted in the EZ-1 zoning district shall not be permitted on the subject site:
  - Automobile rental agencies
  - Automobile service stations
  - Car washes
  - Automobile repair garages
  - Automobile Sales
  - Boat sales and related storage
  - Outdoor storage
  - Heavy truck parking (except as accessory to a use approved by the Planning Commission)
  - Heavy truck, bus, RV or other heavy motor driven vehicle sales, rental or repair
12. Before or after accessing the site, no use-related semi-trucks shall be permitted to park on E Jefferson St or S Clay St while waiting to enter or after exiting the site.
13. Within 3 years of issuance of a Certificate of Occupancy, all overhead utilities adjacent to the site shall be moved underground as permitted by affected utility agencies.
14. Prior to the date a Certificate of Occupancy is requested, the following sound reductions measures shall be completed:
  1. An acoustical enclosure shall be installed for the grain extraction equipment as referenced at the July 11, 2024 Planning Commission hearing;
  2. The chiller exhaust fans in the alley shall be removed and;
  3. A concrete sound attenuating wall that is not less than 10 feet tall shall be constructed around the loading area as indicated on the approved renderings.
15. Prior to altering the site in accordance with the approved plan, a sound study shall be conducted to establish baseline sound levels for areas around the site during normal operations. The sound study shall include readings at neighboring properties across streets and alleys and include data during operation of exhaust fans, grain extraction equipment and loading dock activity. An updated sound study shall be performed and provided to the Louisville Metro Planning Commission for review within 180 days of receiving a Certificate of Occupancy. This study shall include peak operating hours and measurements taken from those locations previously indicated in the sound study of record unless otherwise approved by the Planning Commission. Review of the updated study shall occur in a Business Session of the Planning Commission.