

Land Development and Transportation Committee Staff Report April 18, 2024



Case No:	24-ZONE-0012
Project Name:	Angel's Envy
Location:	418 E Main St
Owner(s):	LDC New Main LLC
Applicant:	LDC New Main LLC
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Jay Lockett, AICP, Planning Supervisor

REQUEST(S)

- **Change in zoning** from C-3 Commercial to EZ-1 Enterprise Zone
- **Waivers**
 1. From Land Development Code section 5.2.1.C to not provide a 3-story street wall along the full length of the E Main St and Jackson St frontages.
 2. From Land Development Code section 5.9.2.D.1 to allow truck access that does not utilize the alley and is not on-street or within a building.
- **Revised Detailed District Development plan** with revisions to binding elements.

CASE SUMMARY

The applicant is proposing to construct a distillery/bottling facility with event space. The subject site contains approximately 1.97 acres at the SE corner of E Main St and S Jackson St. The site is within the Downtown Development Review Overlay in the Downtown form district and was previously rezoned from M-2 to C-3 under docket 9987 for a proposed mixed-use development. A revised detailed district development plan for a mixed-use development was approved under docket 19-DDP-0045, however the site is currently used as a surface parking lot. Off-street parking is not proposed with this development, however truck loading with access via E Main St and S Jackson St is proposed. The site is proposed to connect to the existing Angel's Envy distillery facility across S Jackson St via elevated pedways.

STAFF FINDING

The proposal is ready for a public hearing. Staff would like to see additional information about screening for the loading dock adjacent to residential properties at 400 E Main and 415 E Market St. Ultimately Louisville Metro Council must decide if the proposal meets the requirements of the Comprehensive Plan.

TECHNICAL REVIEW

MSD and Transportation Planning have approved the preliminary development plan.

The Downtown Development Review Overlay approved the design of the new development under docket 23-OVERLAY-0078 at the February 14, 2024 meeting.

INTERESTED PARTY COMMENTS

Interested party comments will be incorporated into the record.

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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 / FORM DISTRICT

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

The site is located in the Downtown Form District

This form is characterized by its location near the center of the population it serves. The Downtown Form is comprised of predominantly office, commercial, civic, medical, high-density residential and cultural land uses. It has a grid pattern of streets designed to accommodate a large volume of vehicular traffic and public transportation. There are provisions for on-street and long-term parking of vehicles and for substantial pedestrian and non-vehicular movement within the district. Buildings are generally the greatest in volume and height in the metropolitan area, and there is public open space including plazas and squares. The Downtown Form should give identity to the whole community and should provide for a mixture of high density and intensity uses. Unlike the other community forms, the Downtown is already a geographically defined area that is described by Louisville Metro Codified Ordinance and in the Louisville Downtown Development Plan. The Downtown Development Plan also recognizes that Downtown consists of five neighborhoods and the Ohio River waterfront and describes those neighborhoods and connections to the river. The Downtown Development Plan and its successors are to be used as official planning evidence guiding land use decisions.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Plan 204

REQUIRED ACTIONS:

- Schedule the Public Hearing

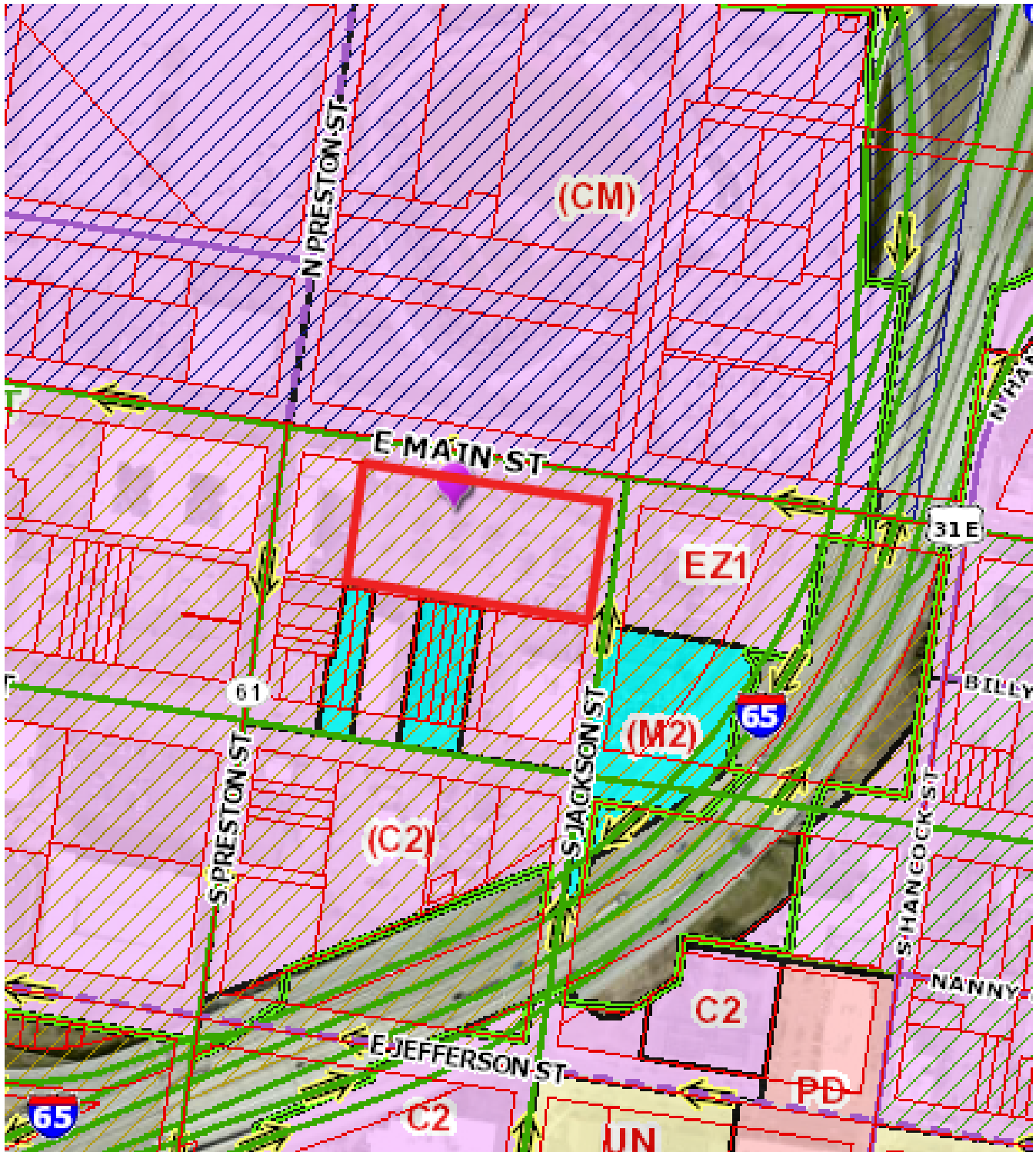
NOTIFICATION

Date	Purpose of Notice	Recipients
4-4-24	Hearing before LDT	1 st and 2 nd tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 4
	Hearing before ____	1 st and 2 nd tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 4
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

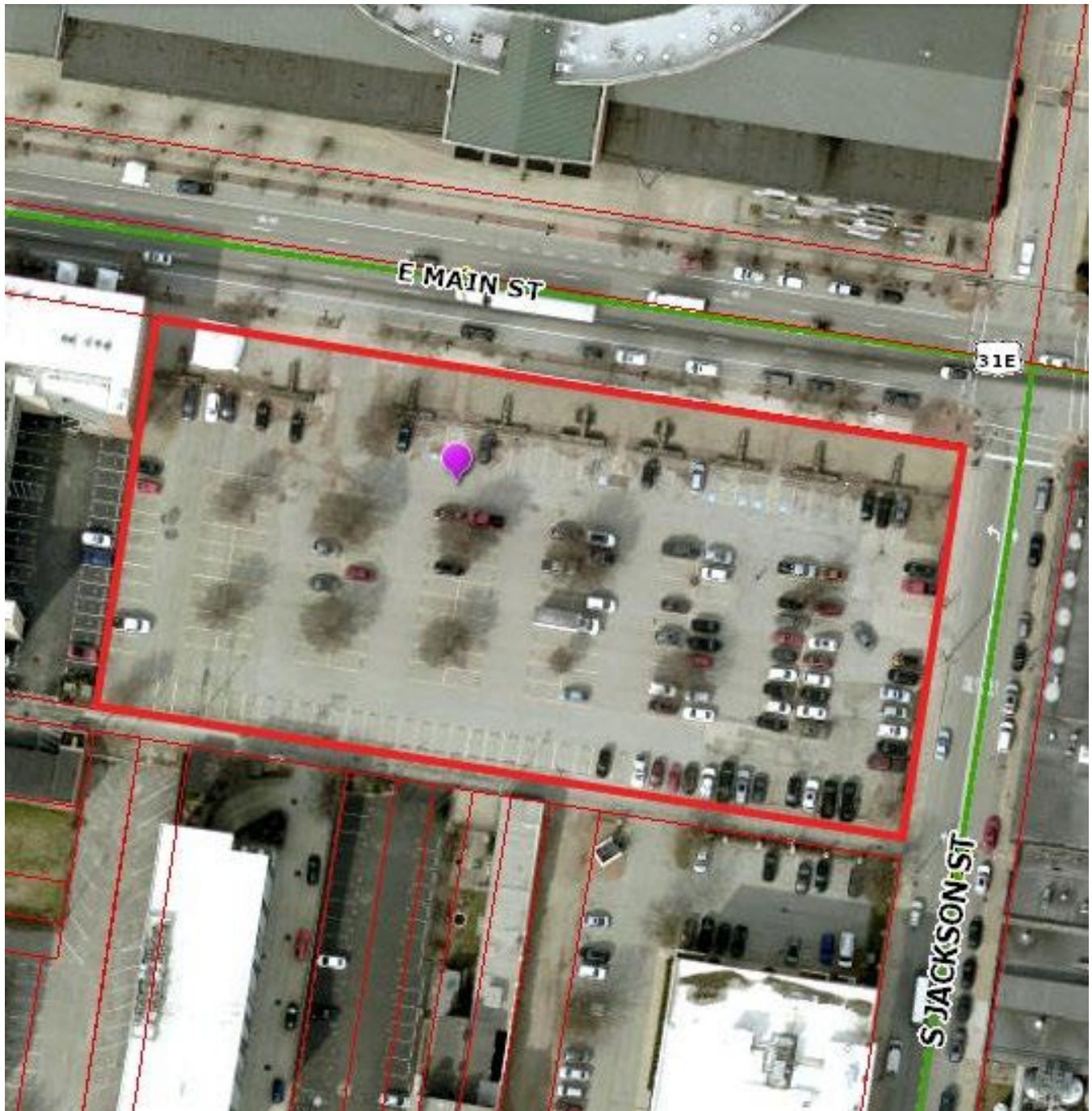
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements with proposed revisions

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. 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - 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 rendering as approved by the Downtown Development Review Overlay Committee hearing on ~~December 4, 2019~~ **February 14, 2024.**
 - 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 Planning Commission Public Hearing.** 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. 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. 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.
6. The development shall be in conformance with all conditions of the approved DDRO Overlay Permit No. ~~49-OVERLAY-0043~~ **23-OVERLAY-0078.**
7. ~~The Jackson St loading dock shall not be used weekdays from 7 AM to 9 AM or 4 PM to 6 PM.~~ **Loading dock activity shall only be permitted between 7 AM and 9 PM**
8. **No idling of trucks is permitted on site.**

9. 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 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.
10. 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
Drive thru restaurants
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

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 development shall be in conformance with all conditions of the approved DDRO Overlay Permit No. 23-OVERLAY-0078.
7. Loading dock activity shall only be permitted between 7 AM and 9 PM
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