

Planning Commission

Staff Report

May 30, 2024



Case No:	24-ZONE-0012
Project Name:	Angel's Envy
Location:	410-418, 436-438 E Main St; 110 S Jackson 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 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 requested zoning change is generally in compliance with the Comprehensive Plan, although the Planning Commission should discuss the reasoning for EZ-1 zoning when the applicant is proposing a mix of uses that would be permitted in CM zoning. The applicant should provide additional information on how potential nuisances from noise and industrial loading activity will be mitigated for adjacent residents.

The waivers and Revised District Development Plan are adequately justified and meet the standards of review.

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

See attachments for interested party comments.

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.

The proposal would not represent an expansion of non-residential uses into a residential area, as the existing zoning would allow for a wide variety of commercial uses. The proposal would allow for additional industrial uses. The proposal would include construction of a loading dock immediately adjacent to residential uses at 400 E Main and 415 E Market St. Staff would like to see additional measures to provide protection for area residents from potential nuisances caused by noise generated by industrial loading activities.

The site is adequately served by existing transportation networks and is within proximity to a variety of services, amenities and employment opportunities. E Main St is a Major Arterial roadway. Transit

service is available within a close proximity to the subject site. The site has been designed to function with the future 2-way conversion of E Main St. The site is in proximity to a variety of commercial uses and employment opportunities. The proposed zoning district supports transit-oriented development patterns and an efficient mix of land uses that encourage alternate modes of travel.

A checklist is attached to the end of this staff report with a more detailed analysis. 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 WAIVER 1

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

STAFF: The waiver will not adversely affect adjacent property owners. Most of the building is compatible with the height and massing this provision is intended to achieve, with other design elements incorporated to maintain a street wall at a pedestrian scale.

- (b) The waiver will not violate specific guidelines of the Comprehensive Plan; and

STAFF: Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. The waiver will not violate the Comprehensive Plan, as the applicant is proposing decorative walls and gates that are compatible with the prevailing form of the district. The Downtown Development Review Overlay has approved the design.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, as most of the building is compliant except where loading areas are screened by walls and decorative gates.

- (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 create an unnecessary hardship on the applicant, as it would make it very difficult to accommodate loading and circulation on the site by constructing additional building length, or would require construction of very tall false facades.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2

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

STAFF: The waiver will not adversely affect adjacent property owners.

- (b) The waiver will not violate specific guidelines of the Comprehensive Plan; and

STAFF: Community Form Goal 1, Policy 12 calls to ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Community Form Goal 2, Policy 7 calls to 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. Community Form Goal 2, Policy 14 calls to encourage adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking. The waiver will not violate the Comprehensive Plan, as the loading area will be designed to allow safe circulation around and within the subject site.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

- (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 create an unnecessary hardship on the applicant, as the alley is too narrow to use for truck traffic, and street loading for industrial uses is undesirable in this location.

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 site is a historic site, known as the Lewis Pottery site. Detailed archeology has been completed for the site during earlier development. There are no distinct natural features on the site, which is currently developed as surface parking.

- (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 street, although additional screening could be needed adjacent to residential property adjacent to the site.

- (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 proposed **Change-in-Zoning** from C-3 to EZ-1
- **APPROVE** or **DENY** the **Waivers**
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan** with revisions to binding elements

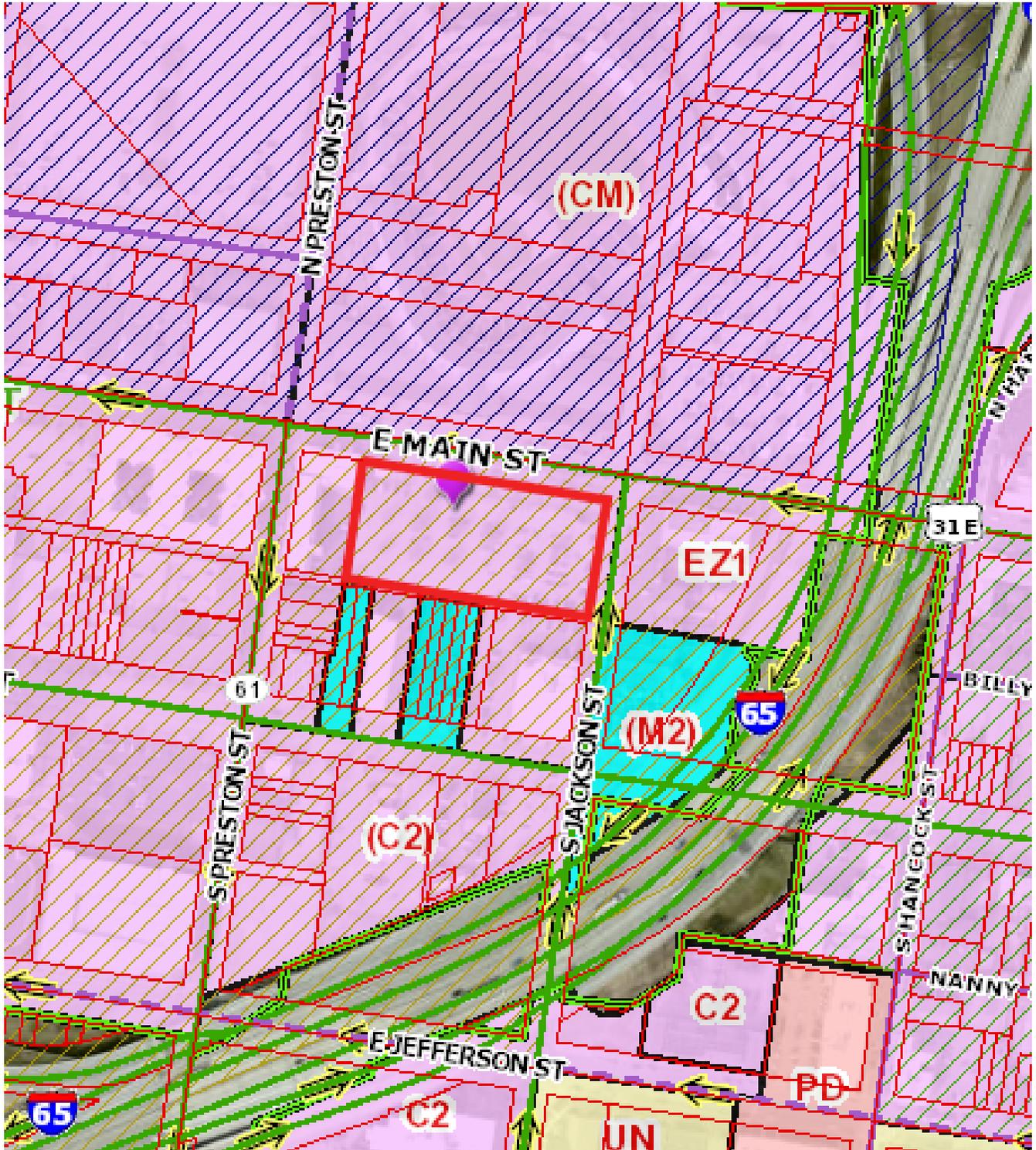
NOTIFICATION

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
5-13-24	Hearing before PC	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
5-13-24	Hearing before PC	Sign Posting on property
	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

Downtown: Non-Residential

Plan 2040 Plan Elements/Staff Analysis	
+/-	<p>1 <u>Community Form: Goal 1, Policy 6.</u> 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>Staff Analysis: The proposal would not represent an expansion of non-residential uses into a residential area, as the existing zoning would allow for a wide variety of commercial uses. The proposal would allow for additional industrial uses. The proposal would include construction of a loading dock immediately adjacent to residential uses at 400 E Main and 415 E Market St. Staff would like to see additional measures to provide protection for area residents from potential nuisances caused by noise generated by industrial loading activities.</p>
✓	<p>2 <u>Community Form: Goal 1, Policy 7.</u> 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>Staff Analysis: The site is adequately served by existing transportation networks and is within proximity to a variety of services, amenities and employment opportunities. E Main St is a Major Arterial roadway. Transit service is available within a close proximity to the subject site.</p>
✓	<p>3 <u>Community Form: Goal 1, Policy 8.</u> 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>Staff Analysis: The site is not within a Workplace form district, but is adequately served by existing transportation networks and is within proximity to a variety of services and land uses. Transit service is available within a close proximity to the subject site.</p>
+/-	<p>4 <u>Community Form: Goal 1, Policy 15.</u> When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted.</p> <p>Staff Analysis: The applicant should provide additional information about screening along the alley and along the property adjacent to 400 E Main to ensure existing residents are not unreasonably impacted by noise associated with industrial loading activity.</p>
+/-	<p>5 <u>Community Form: Goal 1, Policy 16.</u> 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>Staff Analysis: Additional information about screening and hours of operation is needed to ensure compatibility with residences adjacent to the site.</p>
	<p>6 <u>Community Form: Goal 1, Policy 17.</u> Mitigate adverse impacts of traffic from proposed development on nearby existing communities.</p>

Plan 2040 Plan Elements/Staff Analysis

✓	<p>Staff Analysis: The project has been designed to work with the future 2-way redesign of E Main St. Transportation Planning has approved the preliminary development plan.</p>
7 +/-	<p>Community Form: Goal 1, Policy 18. Mitigate adverse impacts of noise from proposed development on existing communities.</p> <p>Staff Analysis: Additional information is needed to determine if adequate screening or other mitigation is provided for adjacent residential properties.</p>
8 +/-	<p>Community Form: Goal 1, Policy 21. 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>Staff Analysis: The proposed use of a bottling facility may be permitted in the CM zoning district, but the applicant has requested EZ-1 for the site which permits a number of more intensive and potentially hazardous uses. If EZ-1 is approved, staff proposes binding elements to require Planning Commission review for future uses that may generate significant additional hazards or industrial traffic.</p>
9 ✓	<p>Community Form: Goal 2, Policy 1. 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>Staff Analysis: The site is within the Downtown form district, in close proximity to a wide mix of zoning and uses. The Downtown Development Review overlay has approved the preliminary design, and the proposal takes into account the future 2-way conversion of E Main St.</p>
10 ✓	<p>Community Form: Goal 2, Policy 5. Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it.</p> <p>Staff Analysis: Adequate population exists to support a wide variety of services and commercial uses at this location.</p>
11 ✓	<p>Community Form: Goal 2, Policy 6. Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.</p> <p>Staff Analysis: The proposed zoning would permit a variety of uses in an area with a wide variety of zoning districts and uses.</p>
12 ✓	<p>Community Form: Goal 2, Policy 7. 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>Staff Analysis: The proposed zoning district will result in a compact development pattern and efficient land use that utilizes existing infrastructure.</p>
13 ✓	<p>Community Form: Goal 2, Policy 8. Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings.</p> <p>Staff Analysis: The zoning district would allow for a variety of uses, including mixed residential, office and commercial uses.</p>
14 ✓	<p>Community Form: Goal 2, Policy 9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.</p> <p>Staff Analysis: The zoning district would allow for a variety of uses on a previously developed site, including mixed residential, office and commercial uses.</p>
15 NA	<p>Community Form: Goal 2, Policy 10. 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>Staff Analysis: The site is not an outlot of a larger commercial development.</p>
16	<p>Community Form: Goal 3, Policy 11. 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</p>

Plan 2040 Plan Elements/Staff Analysis

	rights-of-way.
NA	Staff Analysis: The site is not adjacent to the Ohio River.
17	<p>Community Form: Goal 3, Policy 12. 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.</p> <p>✓ Staff Analysis: The site is not within a floodplain and does not have any known environmental concerns.</p>
18	<p>Community Form: Goal 4, Policy 1. 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.</p> <p>✓ Staff Analysis: The proposed design has received preliminary approval from the Downtown Development Review Overlay.</p>
19	<p>Community Form: Goal 4, Policy 2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.</p> <p>✓ Staff Analysis: The site is a historic site known as the Lewis Pottery site, and detailed archaeology has been previously completed for the site.</p>
20	<p>Mobility: Goal 1, Policy 4. 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.</p> <p>✓ Staff Analysis: The site is within an established activity center containing a wide mix of zoning and uses. Transit service is available near the site.</p>
21	<p>Mobility: Goal 3, Policy 1. 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.</p> <p>✓ Staff Analysis: The site is in proximity to a variety of commercial uses and employment opportunities. The proposed zoning district supports transit-oriented development patterns and an efficient mix of land uses that encourage alternate modes of travel.</p>
22	<p>Mobility: Goal 3, Policy 2. 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>✓ Staff Analysis: The site is within an established activity center containing a wide mix of zoning and uses. Transit service is available near the site.</p>
23	<p>Mobility: Goal 3, Policy 3. 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>✓ Staff Analysis: The site is within an established activity center containing a wide mix of zoning and uses. Transit service is available near the site.</p>
24	<p>Mobility: Goal 3, Policy 4. Encourage development of walkable centers to connect different modes of travel. Siting of these multi-modal centers shall consider the effects of the following: 4.1. nodal connections identified by Move Louisville; 4.2. impact on freight routes; 4.3. time of operation of facilities; 4.4. safety; 4.5. appropriate linkages between neighborhoods and employment; and 4.6. the potential for reducing travel times and vehicle miles traveled.</p> <p>✓ Staff Analysis: The site is in proximity to a variety of commercial uses and employment opportunities. The proposed zoning district supports transit-oriented development patterns and an efficient mix of land uses that encourage alternate modes of travel.</p>
25	<p>Mobility: Goal 3, Policy 5. 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>✓ Staff Analysis: Transportation Planning has approved the preliminary development plan. The expected volume of truck traffic for the proposed use should not have a significant impact on the street network when well managed. Future uses would need to be reviewed to ensure all roadway users may safely navigate around the subject site.</p>
26	<p>Mobility: Goal 3, Policy 6. 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>✓ Staff Analysis: Transportation Planning has approved the preliminary development plan. The expected volume of truck traffic for the proposed use should not have a significant impact on the street network when well</p>

Plan 2040 Plan Elements/Staff Analysis

	<p>managed. Future uses would need to be reviewed to ensure all roadway users may safely navigate around the subject site. The site is designed to function with the future 2-way conversion of E Main St.</p>
27	<p><u>Mobility: Goal 3, Policy 9.</u> 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>✓ <u>Staff Analysis:</u> Transportation Planning has approved the preliminary development plan. The expected volume of truck traffic for the proposed use should not have a significant impact on the street network when well managed. Future uses would need to be reviewed to ensure al roadway users may safely navigate around the subject site.</p>
28	<p><u>Mobility: Goal 3, Policy 10.</u> Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.</p> <p>✓ <u>Staff Analysis:</u> Transportation Planning has approved the preliminary development plan. The site is designed to function with the future 2-way conversion of E Main St.</p>
34	<p><u>Community Facilities: Goal 2, Policy 1.</u> Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.</p> <p>✓ <u>Staff Analysis:</u> Utility service will be coordinated.</p>
35	<p><u>Community Facilities: Goal 2, Policy 2.</u> 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>✓ <u>Staff Analysis:</u> Water service will be coordinated with Louisville Water Company.</p>
31	<p><u>Community Facilities: Goal 2, Policy 3.</u> 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>✓ <u>Staff Analysis:</u> MSD has reviewed and approved the preliminary development plan.</p>
32	<p><u>Economic Development: Goal 1, Policy 2.</u> 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>✓ <u>Staff Analysis:</u> The site is not within a Workplace form district, but is adequately served by existing transportation networks and is within proximity to a variety of services and land uses. Transit service is available within a close proximity to the subject site.</p>
33	<p><u>Economic Development: Goal 1, Policy 3.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> E Main St is a major arterial roadway.</p>
34	<p><u>Economic Development: Goal 1, Policy 4.</u> 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.</p> <p>NA <u>Staff Analysis:</u> The site is not near the airport or adjacent to the Ohio River.</p>
35	<p><u>Economic Development: Goal 1, Policy 5.</u> Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.</p> <p>✓ <u>Staff Analysis:</u> The site is along E Main St, which is a major arterial roadway.</p>
36	<p><u>Livability: Goal 1, Policy 17.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The site is a previously develop urban site and is does not have known karst susceptibility.</p>

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37	<p><u>Livability: Goal 1, Policy 21.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The site is not in the floodplain.</p>
38	<p><u>Livability: Goal 1, Policy 24.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The site is not within the floodplain.</p>
39	<p><u>Housing: Goal 1, Policy 2.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> 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>
40	<p><u>Housing: Goal 2, Policy 1.</u> Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning district would allow for a variety of housing types and densities including mixed use development.</p>
41	<p><u>Housing: Goal 2, Policy 2.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The site is along a major transportation corridor that affords access to employment opportunity and a variety of housing, amenities and commercial services.</p>
42	<p><u>Housing: Goal 3, Policy 2.</u> As neighborhoods evolve, discourage displacement of existing residents from their community.</p> <p>✓ <u>Staff Analysis:</u> Residents would not be displaced by this proposal.</p>
43	<p><u>Housing: Goal 3, Policy 3.</u> 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.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning allows for mixed uses and a variety of housing options that promotes the provisioning of fair and affordable housing.</p>

4. 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-0013~~ **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.
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 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. 23-OVERLAY-0078.
7. 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