

# Planning Commission Staff Report

November 19, 2020



<b>Case No:</b>	20-ZONE-0069
<b>Project Name:</b>	Bohannon Property
<b>Location:</b>	13915, 14201, & 15012 Bohannon Ave
<b>Owner(s):</b>	LDG Land Holdings, LLC
<b>Applicant:</b>	LDG Land Holdings, LLC
<b>Representative(s):</b>	Dinsmore & Shohl, LLP
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	14 – Cindi Fowler
<b>Case Manager:</b>	Joel P. Dock, AICP, Planner II

## REQUEST(S)

- **Change-in-Zoning** from R-4 & M-2 to EZ-1
- **Change-in-Form** from Neighborhood to Suburban Workplace
- **Variance** from Land Development Code (LDC), section 4.8.3 to encroach upon the 100' protected waterway (Weavers Run)
- **Waiver** of LDC, section 10.2 to encroach upon 50' landscape buffer between EZ-1 and R-4
- **Detailed District Development Plan**

## CASE SUMMARY

The proposal calls for a change in zoning to facilitate the development of 830,000 sq. ft. of industrial warehousing. The subject site is located adjacent to Riverport Phase 5 on the east side of Dixie Highway and across Weavers Run stream. Access to the site is proposed through Riverport Phase 5 via Lewis and Randy Coe Lane. No access to Bohannon Avenue is proposed or permitted for the development site.

## STAFF FINDING

The proposed change in zoning and form district conform to the land use and development policies of Plan 2040. While the proposal would result in an expansion of industrial uses in a residentially zoned area, the site is adjacent to an appropriately located industrial site (Riverport Phase 5) within the workplace form and all vehicular access to the site, except for emergency vehicles, will be routed through Riverport and eventually connect to Dixie Highway, a major arterial roadway. Access to Bohannon Avenue will be prohibited and secured by an emergency gate.

The variance, waiver, and detailed plan are adequately justified based on staff's analysis contained in the standard of review.

## TECHNICAL REVIEW

- Preliminary approval has been received from Louisville MSD and Transportation Planning
- The waiver encroachment is the result of providing access to the parking area nearest building 3 and the elimination of access to Bohannon Avenue.
- No access will be permitted to Bohannon Avenue. An emergency gate is proposed to restrict this access point, see binding element #8.

- PRP fire had no objections to the closure. Major Allen Richard with PRP Fire provided the following comment:

“We have reviewed the gate request and see no issues with it. We would like for the gate to have some sort of signage for no parking, emergency access only. The gate will need some type of locking device that can be cut or removed in case of emergency. If it’s going to be an electronic gate, then we will need a pass code to add to our Active911 system.”

## **STANDARD OF REVIEW FOR ZONING 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 AND FORM DISTRICT**

The Following is a summary of staff’s analysis of the proposed rezoning against the Land Use and Development Policies of Plan 2040:

The site is **currently** located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to, large lot single family developments with cul-de-sacs, traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family housing. The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to support physical activity for all users and invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks,

shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

The existing form is inconsistent with existing M-2, industrial district on portions of the site that are previously developed but contained within this form district. Under the existing form district, the only appropriate use would appear to be residential or agricultural as any other use would increase the intensity of use along Bohannon Ave, a local roadway containing residential property. The current form is also not appropriate given its adjacency to the Suburban Workplace form and industrial zoning districts which access Dixie Highway. These areas will be connected to the proposal and access restricted to Bohannon Avenue. Adequate transitions between the Workplace and Neighborhood form will be provided as the development expands the industrial use to residential zoned areas.

The site is **proposed** to be located in the Suburban Workplace Form District

Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses.

The proposal would result in an expansion of industrial uses in a residential area as the proposed district expands the existing industrial zoning district north towards a residential neighborhood and borders one residential property on three sides. However, the site is adjacent to an appropriately located industrial site (Riverport Phase 5) within the workplace form and all vehicular, except for emergency vehicles, will be restricted to access through the adjacent industrial development and eventually connect to Dixie Highway, a major arterial roadway. Dixie Highway provides for transit access to population and employment centers. No access through local residential roadways will be provided to the development site. Transitions in the form of landscape buffers and screening will be also provided.

Impacts of the industrial use on residential users will be reduced by eliminating existing access to Bohannon Avenue. The site is in area of low population density and not immediately adjacent to larger residential populations. Potentially hazardous or nuisance uses as defined by the Land Development Code will require conditional use permit to use the property.

Environmental features will be disturbed but mitigated. All restoration improvements required by the LDC to stream banks as a result of disturbance will be provided. MSD, KDOW and USACE review and approval will be required to be received prior to site disturbance to minimize environmental degradation of sensitive features.

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect public health, safety, or welfare as existing encroachments are present in this area and all streambank restoration required by the Land Development Code will be provided.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity as encroachments of an existing industrial users are present in the area of the new drive lane.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public as stream bank restoration will be required in disturbed areas to accommodate the proposal.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of zoning regulations as the proposed roadway is consistent with the existing impervious surfaces.

### ADDITIONAL CONSIDERATIONS (4.8.4.B – Protected Waterway):

1. The variance is necessary because the requirements of this section represent an extreme hardship such that minimal or no reasonable economic use of the land is available without reducing the width of the required Buffer Area:

STAFF: The requirements do not represent an extreme hardship as the encroachments could be removed and alternative access within the site to its point of connection to Lewis Lane could be provided.

2. Encroachment into the required Buffer Area shall be limited to the minimum necessary to accommodate the proposed use:

STAFF: The proposed use can be accommodated without encroachment into the buffer. Without a redesign of the development, however, its omission would result in heavy-trucks sharing access though loading areas.

3. The Applicant shall commit, to the satisfaction of the County, to mitigation measures that substantially offset any potential adverse impacts of the proposed encroachment during site preparation, construction, and post-construction:

STAFF: Binding elements have been added to the zoning change request that require further require the enforcement of stream bank restoration and management.

4. Approval of the variance will not result in a reduction in water quality.

STAFF: MSD, KDOW and USACE review and approval will be received prior to site disturbance to minimize environmental degradation of sensitive features.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER**

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

STAFF: The waiver will not adversely affect adjacent property owners as all required plantings and screening will be required and the use of the encroachment will be for passenger vehicles.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The proposed development will provide all required planting materials to protect the residence from visual intrusions.

- (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 not the minimum necessary to afford relief to the applicant as the encroachments can be removed through a redesign of the development site. Encroachments in this location are primarily the result of restricting access to Bohannon Avenue.

- (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 all required planting and screening will be provided and the area is limited to passenger vehicles.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN**

- 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: Impacts upon 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 will be mitigated or avoided where necessary.

- 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 will be provided through Riverport Phase 5 (Lewis/Randy Coe Lane) to Dixie Highway, an arterial roadway, providing public transit.

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

STAFF: The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided.

- 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 proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the proposed development generally complies with the Land Development Code, except for the requested relief.

- 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 proposed development plan conforms to Plan 2040 as access to a local residential roadway is restricted, connectivity to arterial roadway with transit is provided, and the site is adjacent to similar intensities and future users.

## **REQUIRED ACTIONS**

- **RECOMMEND** to the Louisville Metro Council that the **Change-in-Zoning** from R-4 & M-2 to EZ-1 on property described in the attached legal description be **APPROVED or DENIED**
- **RECOMMEND** to the Louisville Metro Council that the **Change-in-form** from Neighborhood to Suburban Workplace on property described in the attached legal description be **APPROVED or DENIED**
- **APPROVE or DENY** the **Variance** from Land Development Code (LDC), section 4.8.3 to encroach upon the 100' protected waterway (Weavers Run)
- **APPROVE or DENY** the **Waiver** of LDC, section 10.2 to encroach upon 50' landscape buffer between EZ-1 and R-4
- **APPROVE or DENY** the **Detailed District Development Plan**

## **NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
10/7/20	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 14
11/6/20	Hearing before Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 14
11/3/20	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Plan 2040 Staff Analysis
4. Proposed Binding Elements

1. Zoning Map





2. Aerial Photograph



**3. Plan 2040 Staff Analysis**

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

Suburban Workplace: Non-Residential

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Community Form: Goal 1	<p>6. 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>The proposal would result in an expansion of industrial uses in a residential area as the proposed district expands the existing industrial zoning district north towards a residential neighborhood and borders one residential property on three sides. However, the site is adjacent to an appropriately located industrial site (Riverport Phase 5) within the workplace form and all vehicular, except for emergency vehicles, will be restricted to access through the adjacent industrial development and eventually connect to Dixie Highway, a major arterial roadway. No access though local residential roadways will be provided to the development site. Transitions in the form of landscape buffers and screening will be provided.</p>
Community Form: Goal 1	<p>7. 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>The site is adjacent to an appropriately located industrial site (Riverport Phase 5) within the workplace form and all vehicular, except for emergency vehicles, will be restricted to access through the adjacent industrial development and eventually connect to Dixie Highway, a major arterial roadway. No access though local residential roadways will be provided to the development site. Dixie Highway provides for transit access to population and employments centers.</p>
Community Form: Goal 1	<p>8. 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>The site is adjacent to an appropriately located industrial site (Riverport Phase 5) within the workplace form. The site can be served through roadways on this adjacent site and will not be isolated form industrial users.</p>

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Community Form: Goal 1	15. When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted.	✓	Impacts of the industrial use on residential users will be reduced though restrictive access though adjacent industrial areas. The site is in area of low population density and not immediately adjacent to larger residential populations.
Community Form: Goal 1	16. 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.	✓	Impacts of the industrial use on residential users will be reduced though restrictive access though adjacent industrial areas. The site is in area of low population density and not immediately adjacent to larger residential populations.
Community Form: Goal 1	17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	✓	Adverse impacts of traffic on nearby residential roads will be reduced by restricting access to Bohannon Ave.
Community Form: Goal 1	18. Mitigate adverse impacts of noise from proposed development on existing communities.	+/-	The adverse impacts of noise on adjacent uses should be mitigated in the future in the event a user may disturb adjacent residential users with noises or vibrations, specifically for occupants, if any, of the residential property that is bordered on 3 sides by the proposed development.
Community Form: Goal 1	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.	✓	Potentially hazardous or nuisances uses as defined by the Land Development Code will require conditional use permit to use the property.
Community Form: Goal 3	9. 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.	✓	The subject property contains environmental features that will be disturbed. All restoration improvements required by the LDC to stream banks as a result of disturbance will be provided.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Community Form: Goal 3	10. 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.	✓	MSD, KDOW and USACE review and approval will be received prior to site disturbance to minimize environmental degradation of sensitive features.
Community Form: Goal 3	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.	✓	Measures to protect health, safety and welfare of future users of the development will be provided as constructions plan approval will be required prior to disturbance.
Mobility: Goal 3	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.	✓	The proposal will connect with adjacent uses of similar intensities via roadways to Dixie Highway which provides for transit and bike facilities. Pedestrian connectivity will be provided to public walks proposed or existing.
Mobility: Goal 3	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.	✓	All improvements necessary to facilitate appropriate levels and points of access will be made. All vehicular access, except for emergency vehicles, will be prohibited from Bohannon
Mobility: Goal 3	9. 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.	✓	The proposal eliminates the use of Bohannon Avenue for future industrial traffic. This roadway is inadequate to serve an industrial user.
Mobility: Goal 3	10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	✓	The site is adjacent to an appropriately located industrial site (Riverport Phase 5) within the workplace form and all vehicular, except for emergency vehicles, will be restricted to access through the adjacent industrial development and eventually connect to Dixie Highway, a major arterial roadway. No access though local residential roadways will be provided to the development site. Dixie Highway provides for transit access to population and employments centers

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Community Facilities: Goal 2	1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	All utilities will be provided as required.
Community Facilities: Goal 2	2. 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.	✓	All utilities will be provided as required.
Community Facilities: Goal 2	3. 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).	✓	MSD review and approval has been received.
Economic Development: Goal 1	1. Limit land uses in workplace Form Districts to compatible uses that meet the needs of the industrial subdivision or workplace district and their employees.	✓	The proposed district is compatible with adjacent industrial land within the Workplace form and does not result in increased traffic on nearby local residential roadways.
Economic Development: Goal 1	2. Encourage industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs.	✓	The proposed district is compatible with adjacent proposed Riverport, Phase 5.
Economic Development: Goal 1	5. Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.	✓	The site is adjacent to an appropriately located industrial site (Riverport Phase 5) within the workplace form and all vehicular, except for emergency vehicles, will be restricted to access through the adjacent industrial development and eventually connect to Dixie Highway, a major arterial roadway. No access through local residential roadways will be provided to the development site. Dixie Highway provides for transit access to population and employment centers
Livability: Goal 1	17. 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.	✓	MSD, KDOW and USACE review and approval will be received prior to site disturbance to minimize environmental degradation of sensitive features.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Livability: Goal 1	21. 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.	✓	MSD review and approval has been received.

4. **Proposed Binding Elements**

1. The site shall be maintained in accordance with all applicable sections of the Land Development Code (LDC) and agreed-upon binding elements unless amended pursuant to the LDC. Amendment of any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any amendments not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit is requested, including but not limited to permits for building, parking lot, change of use, site disturbance, alteration or demolition:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District,
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways for any work within the state right-of-way.
  - c. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
  - d. 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
  - e. Portions of Bohannon Avenue shown on the approved development plan to be closed shall be reviewed by the Planning Commission and recorded prior to requesting a permit
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy unless specifically waived by the Planning Commission.
6. The applicant, developer or property owner shall provide a copy of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development and/or use of this site and shall advise all parties of their content. 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. These binding elements shall run with the land and the owner(s) and occupant(s) of the property shall at all times be responsible for compliance with them.

7. No overnight idling within 200 ft. of residential property lines.
8. No access shall be permitted to Bohannon Avenue, except for emergency vehicles and pedestrians.
9. At the time of development, the following restoration standards shall be met:
  - a. Riparian vegetation shall be planted, as necessary, to stabilize the banks of a protected waterway within a Buffer Area. Where a bank is denuded of its vegetation due to erosion, slope failure or similar occurrence, appropriate vegetation shall be planted to quickly establish a vegetative cover, and then replanted with riparian vegetation to ensure the long-term stabilization of the bank. Restoration plantings shall be selected from the MSD native species restoration specifications.
  - b. Where stream bank erosion has occurred as a result of on-site development activities, riparian vegetation shall be planted to stabilize the stream bank unless MSD determines such vegetation would be inadequate to re-stabilize the bank. In instances where the MSD determines that planting of riparian vegetation is inadequate to stabilize the stream bank alternate methods of stabilization, approved by the MSD shall be utilized.
  - c. Stream, stream bank, and vegetation restoration projects are allowed where the goal is to restore the protected waterway, wetlands, or Buffer Area to an ecologically healthy state, as approved by MSD.
10. Tree and Vegetation Removal.
  - a. Existing, healthy trees and vegetation within the Buffer Area shall be preserved, except for those areas designated by the Limits of Disturbance on the approved district development plan. Trees and vegetation shall be restored in accordance with Binding Element #9 for all areas within the buffer that lie between impervious surfaces and the Limits of Disturbance.
  - b. This provision shall not prohibit any of the following: Removal of dead or diseased trees/vegetation (provided a live root system stays intact); removal of noxious weeds; Removal of non-native trees/vegetation that threaten native species growth or reintroduction; removal of fallen trees, tree limbs, brush and similar debris that accumulate naturally in river/stream beds and that impede river/stream flow, or removal of any other tree/vegetation that is a threat to the public health or safety; Removal of trees as part of an approved plan for stream side recreation or access (e.g. pedestrian trail) or as part of an approved utility or road construction project.



**Land Development & Transportation Committee**  
**Staff Report**  
October 22, 2020



<b>Case No:</b>	20-ZONE-0069
<b>Project Name:</b>	Bohannon Property
<b>Location:</b>	13915, 14201, & 15012 Bohannon Ave
<b>Owner(s):</b>	LDG Land Holdings, LLC
<b>Applicant:</b>	LDG Land Holdings, LLC
<b>Representative(s):</b>	Dinsmore & Shohl, LLP
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	14 – Cindi Fowler
<b>Case Manager:</b>	Joel P. Dock, AICP, Planner II

**REQUEST(S)**

- **Change-in-Zoning** from R-4 & M-2 to EZ-1
- **Change-in-Form** from Neighborhood to Suburban Workplace
- **Variance** from Land Development Code (LDC), section 4.8.3 to encroach upon the 100' protected waterway (Weavers Run)
- **Waiver** of LDC, section 10.2 to encroach upon 50' landscape buffer between EZ-1 and R-4
- **Detailed District Development Plan**

**CASE SUMMARY**

The proposal calls for a change in zoning to facilitate the development of 830,000 sq. ft. of industrial warehousing. The subject site is located adjacent to Riverport Phase 5 on the east of Dixie Highway and across Weavers Run. Access to the site is proposed through Riverport Phase 5 via Lewis and Randy Coe Lane. No access to Bohannon Avenue is proposed or permitted for the development site.

**STAFF FINDING**

The proposal is ready for the next available public hearing before the Planning Commission.

**TECHNICAL REVIEW**

- Preliminary approval has been received from Louisville MSD and Transportation Planning
- The proposed encroachments into the protected waterway are in the area of right-of-way proposed for closure. The proposed roadway/encroachments do not appear to be absolutely necessary based on alternative routes within the development available for heavy-tucks and automobile traffic.
- The waiver encroachment is the result of providing access to the parking area nearest building 3 and the elimination of access to Bohannon Avenue.
- An emergency gate is proposed with access to Bohannon Avenue. This access point and possible binding elements should be discussed by the Committee. Binding element #8 currently addresses access.

## **STANDARD OF REVIEW FOR ZONING 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.

## **NOTIFICATION**

Date	Purpose of Notice	Recipients
10/7/20	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 14
	Hearing before Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 14
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. **Proposed Binding Elements**

1. The site shall be maintained in accordance with all applicable sections of the Land Development Code (LDC) and agreed-upon binding elements unless amended pursuant to the LDC. Amendment of any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any amendments not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit is requested, including but not limited to permits for building, parking lot, change of use, site disturbance, alteration or demolition:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District,
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways for any work within the state right-of-way.
  - c. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
  - d. 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
  - e. Portions of Bohannon Avenue shown on the approved development plan to be closed shall be reviewed by the Planning Commission and recorded prior to requesting a permit
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy unless specifically waived by the Planning Commission.
6. The applicant, developer or property owner shall provide a copy of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development and/or use of this site and shall advise all parties of their content. 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. These binding elements shall run with the land and the owner(s) and occupant(s) of the property shall at all times be responsible for compliance with them.

7. No overnight idling within 200 ft. of residential property lines.
8. No access shall be permitted to Bohannon Avenue, except for emergency vehicles and pedestrians.
9. At the time of development, the following restoration standards shall be met:
  - a. Riparian vegetation shall be planted, as necessary, to stabilize the banks of a protected waterway within a Buffer Area. Where a bank is denuded of its vegetation due to erosion, slope failure or similar occurrence, appropriate vegetation shall be planted to quickly establish a vegetative cover, and then replanted with riparian vegetation to ensure the long-term stabilization of the bank. Restoration plantings shall be selected from the MSD native species restoration specifications.
  - b. Where stream bank erosion has occurred as a result of on-site development activities, riparian vegetation shall be planted to stabilize the stream bank unless MSD determines such vegetation would be inadequate to re-stabilize the bank. In instances where the MSD determines that planting of riparian vegetation is inadequate to stabilize the stream bank alternate methods of stabilization, approved by the MSD shall be utilized.
  - c. Stream, stream bank, and vegetation restoration projects are allowed where the goal is to restore the protected waterway, wetlands, or Buffer Area to an ecologically healthy state, as approved by MSD.
10. Tree and Vegetation Removal.
  - a. Existing, healthy trees and vegetation within the Buffer Area shall be preserved, except for those areas designated by the Limits of Disturbance on the approved district development plan. Trees and vegetation shall be restored in accordance with Binding Element #9 for all areas within the buffer that lie between impervious surfaces and the Limits of Disturbance.
  - b. This provision shall not prohibit any of the following: Removal of dead or diseased trees/vegetation (provided a live root system stays intact); removal of noxious weeds; Removal of non-native trees/vegetation that threaten native species growth or reintroduction; removal of fallen trees, tree limbs, brush and similar debris that accumulate naturally in river/stream beds and that impede river/stream flow, or removal of any other tree/vegetation that is a threat to the public health or safety; Removal of trees as part of an approved plan for stream side recreation or access (e.g. pedestrian trail) or as part of an approved utility or road construction project.

## Pre-application Staff Report



<b>Case No:</b>	20-ZONEPA-0040
<b>Project Name:</b>	Bohannon Property
<b>Location:</b>	13915, 14201, & 15012 Bohannon Ave
<b>Owner(s):</b>	LDG Land Holdings, LLC
<b>Applicant:</b>	LDG Land Holdings, LLC
<b>Representative(s):</b>	Dinsmore & Shohl, LLP
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	14 – Cindi Fowler
<b>Case Manager:</b>	Joel P. Dock, AICP, Planner II

### REQUEST(S)

- **Change-in-Zoning** from R-4 & M-2 to EZ-1
- **Change-in-Form** from Neighborhood to Suburban Workplace
- **Detailed District Development Plan**

### CASE SUMMARY

The proposal calls for a change in zoning to facilitate the development of 700,000 sq. ft. of industrial warehousing. The subject site is located adjacent to Riverport Phase 5 to the east of Dixie Highway. Access is currently proposed to Bohannon Avenue and Lewis Lane (proposed future public roadway). The site contains wetlands and is located between protected waterways. A portion of the subject property is a former industrial site and zoned for industrial uses.

### STAFF FINDING

The proposal does not conform to the land use and development policies of Plan 2040. Access to the site must be provided through adjacent industrial uses to the primary corridor and access to Bohannon Avenue must be removed, except for local, pedestrian and emergency access.

### STANDARD OF REVIEW FOR ZONING 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 AND FORM DISTRICT

The Following is a summary of staff's analysis of the proposed rezoning against the Land Use and Development Policies of Plan 2040:

The site is **currently** located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to, large lot single family developments with cul-de-sacs, traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family housing. The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to support physical activity for all users and invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

The existing neighborhood form district is not appropriate for industrial or other high intensity non-residential uses as the form calls for a mixture of uses within neighborhood centers that are appropriately scaled for the neighborhood. A neighborhood center would also be inappropriately located on the subject site as it is away from the primary corridor intended to serve activity centers, and the site is to the rear of a residential neighborhood which would require higher intensity traffic on a residential street. The existing form does not match the M-2, industrial land use currently assigned to a former industrial use on the development site. Under the existing form district, the only appropriate use would be residential or agricultural.

The site is **proposed** to be located in the Suburban Workplace Form District

Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses.

The proposal would result in an expansion of industrial uses into a residential area as the proposed district expands the existing M-2 zoning district north towards a residential neighborhood and encircles one residential property on all sides, except the public road frontage. Current access is incompatible



with existing residential use along Bohannon Ave. The applicant will need to demonstrate that access can be provided without negatively impacting residences within the existing neighborhood.

The proposed district does not currently have access to the primary corridor through similar intensities. Infrastructure along Bohannon Avenue is insufficient to service heavy truck traffic as the pavement is narrow and appears to be in poor condition from aerials. Access to Bohannon must be removed, except for local and emergency access. Access must be provided to the subject site from future public roads as provided for on approved plans for Riverport Phase 5 (19DEVPLAN1064). The applicant should further facilitate connectivity to the primary corridor for employees who do not drive but rely on public transportation.

The proposal will considerably impact the existing residence being encircled by the proposed use and current access disproportionately impacts a residential neighborhood. Access to Bohannon must be avoided to ensure that impacts on potentially disadvantaged populations are not exacerbated. To reduce the impacts of emissions on families and heavy truck traffic and increased non-residential traffic on a residential roadway, truck access to Bohannon must be avoided.

The subject property contains significant environmental features, including wetlands, protected waterways, and streams. Impacts to these features should be avoided or restoration shall be provided. The applicant should provide any environmental reports at time of formal filing. The subject site is in an area with local and federal flood plain. The applicant should ensure that disturbance is performed in accordance with all approvals by MSD and best practices for development on environmentally constrained sites. Disturbance of environmental features should be avoided.

**NOTIFICATION**

Date	Purpose of Notice	Recipients
	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 14
	Hearing before Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 14
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Plan 2040 Staff Analysis

1. Zoning Map



2. Aerial Photograph



**3. Plan 2040 Staff Analysis**

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

**Suburban Workplace: Non-Residential**

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Community Form: Goal 1	6. 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.	+/-	The proposal would result in an expansion of industrial uses into a residential area as the proposed district expands the existing M-2 zoning district north towards a residential neighborhood and encircles one residential property on all sides, except the public road frontage. Current access is incompatible with existing residential use along Bohannon Ave. The applicant will need to demonstrate that access can be provided without negatively impacting residences within the existing neighborhood. Access must be provided to the subject site from future public roads as provided for on approved plans for Riverport Phase 5 (19DEVPLAN1064). Access to Bohannon must be removed, except for local and emergency access.
Community Form: Goal 1	7. 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.	+/-	The proposed district does not currently have access to the primary corridor through similar intensities. Infrastructure along Bohannon Avenue is insufficient to service heavy truck traffic. Pavement is narrow.  Infrastructure is planned through the adjacent Riverport Phase 5 from which all access should be provided.
Community Form: Goal 1	8. 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.	+/-	The proposal is in the SW form district. Transportation facilities capable of serving the development site are nearby but current access utilizes other means to provide access. The industrial site would not be isolated as it is adjacent to an EZ-1 district.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Community Form: Goal 1	15. When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted.	+/-	The proposal will considerably impact the existing residence being encircled by the proposed use. Current access disproportionately impacts a residential neighborhood. Access to Bohannon must be avoided to ensure that impacts on potentially disadvantaged populations are not exacerbated.
Community Form: Goal 1	16. 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.	+/-	To reduce the impacts of emissions on families and heavy truck traffic and increased non-residential traffic on a residential roadway, truck access to Bohannon must be avoided.
Community Form: Goal 1	17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	+/-	To reduce the impacts of emissions on families and heavy truck traffic and increased non-residential traffic on a residential roadway, truck access to Bohannon must be avoided.
Community Form: Goal 1	18. Mitigate adverse impacts of noise from proposed development on existing communities.	+/-	The existing residence encircled by the proposal will be disproportionately impacted by noise as the district allows for heavy manufacturing uses which would be near residential uses. The area of expanded non-residential/industrial use could be reduced to provide additional spaces between the residential neighborhood and the existing home encircled by the development.
Community Form: Goal 1	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.	+/-	Does the proposal have any defined uses? The M-3 district allows for the highest intensity uses and the transportation of those goods. Current access should be revised to route transportation of manufactured, processed, or raw material through similarly zoned areas and not single-family residential areas.
Community Form: Goal 3	9. 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.	+/-	The subject property contains significant environmental features, including wetlands, protected waterways, and streams. Impacts to these features should be avoided or restoration shall be provided. The applicant should provide any environmental reports at time of formal filing.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Community Form: Goal 3	10. 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.	+/-	The subject property contains significant environmental features, including wetlands, protected waterways, and streams. Impacts to these features should be avoided or restoration shall be provided. The applicant should provide any environmental reports at time of formal filing.
Community Form: Goal 3	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.	+/-	The subject site is in an area with local and federal flood plain. The applicant should ensure that disturbance is performed in accordance with all approvals by MSD and best practices for development on environmentally constrained sites. Disturbance of environmental features should be avoided.
Community Form: Goal 4	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.	+/-	The site does not appear to contain structures of historic significance.
Community Form: Goal 4	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	+/-	Site disturbance should minimize impacts to natural elements.
Mobility: Goal 1	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.	+/-	The proposed higher intensity use is located near a marketplace corridor where transit-oriented development could occur. The applicant should facilitate connectivity for employees who do not drive but rely on public transportation.
Mobility: Goal 3	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.	+/-	The applicant should facilitate connectivity for employees who do not drive but rely on public transportation.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Mobility: Goal 3	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.	+/-	The applicant should facilitate connectivity for employees who do not drive but rely on public transportation.
Mobility: Goal 3	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.	+/-	Access to Bohannon Ave should be removed as the roadway is for local residential traffic and is not sufficient to serve an industrial user.
Mobility: Goal 3	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.	+/-	All improvements necessary to facilitate appropriate levels and points of access should be made.
Mobility: Goal 3	9. 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.	+/-	Bohannon Avenue must not be used for access. Public access must be provided to Dixie Highway through the adjacent Riverport Phase 5.
Mobility: Goal 3	10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	+/-	The applicant should facilitate connectivity for employees who do not drive but rely on public transportation.
Community Facilities: Goal 2	1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	+/-	All utilities should be provided as required. Are there any issues with service currently?
Community Facilities: Goal 2	2. 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.	+/-	All utilities should be provided as required. Are there any issues with service currently?

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Community Facilities: Goal 2	3. 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).	+/-	MSD review and approval required.
Economic Development: Goal 1	1. Limit land uses in workplace Form Districts to compatible uses that meet the needs of the industrial subdivision or workplace district and their employees.	+/-	The proposed district is compatible with adjacent Riverport Phase 5 but components of the development, specifically access hinder the developments appropriateness for the area.
Economic Development: Goal 1	2. Encourage industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs.	+/-	The proposed district is compatible with adjacent Riverport Phase 5 but components of the development, specifically access hinder the developments appropriateness for the area.
Economic Development: Goal 1	5. Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.	+/-	No access, except for emergency and local access should be provided to Bohannon Avenue. All truck and employment access should be provided through Riverport Phase 5 to Dixie Highway.
Livability: Goal 1	17. 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.	+/-	All environmental reports (wetlands determination) should be provided to staff.
Livability: Goal 1	21. 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.	+/-	MSD review and approval required.