

**Case Nos. 14CUP 1016 &
14DEVPLAN1070
15301 Dixie Highway**



Louisville Metro Planning Commission

Steve Hendrix, Planning Supervisor

July 2, 2014

Request

- **14CUP1016**-----Modified Conditional Use Permit for the construction of a 9,100 square foot raw material storage structure.
- **14DEVPLAN1070**-----Revised Detailed District Development Plan for the construction of a 9,100 square foot raw material storage structure.

SIDEWALK WAIVER

Case Summary / Background

May 19, 2014, applications for the modification of the Conditional Use Permit and the Revised Detailed District Development Plan were submitted, waiver application was submitted on June 16, 2014.

On December 20, 2012, the modification of a Conditional Use Permit, #18405 and a Revised Detailed District Development Plan, #18406 to allow construction for the improvements on the site for storage and processing of refuse derived fuel was approved by the Louisville Metro Planning Commission.

-
- On August 5, 2010, the modification of a Conditional Use Permit for a potentially hazardous or nuisance uses (production of cement) to allow tire derived fuel in the production within a M-3 zoning district was approved by the Louisville Metro Planning Commission.

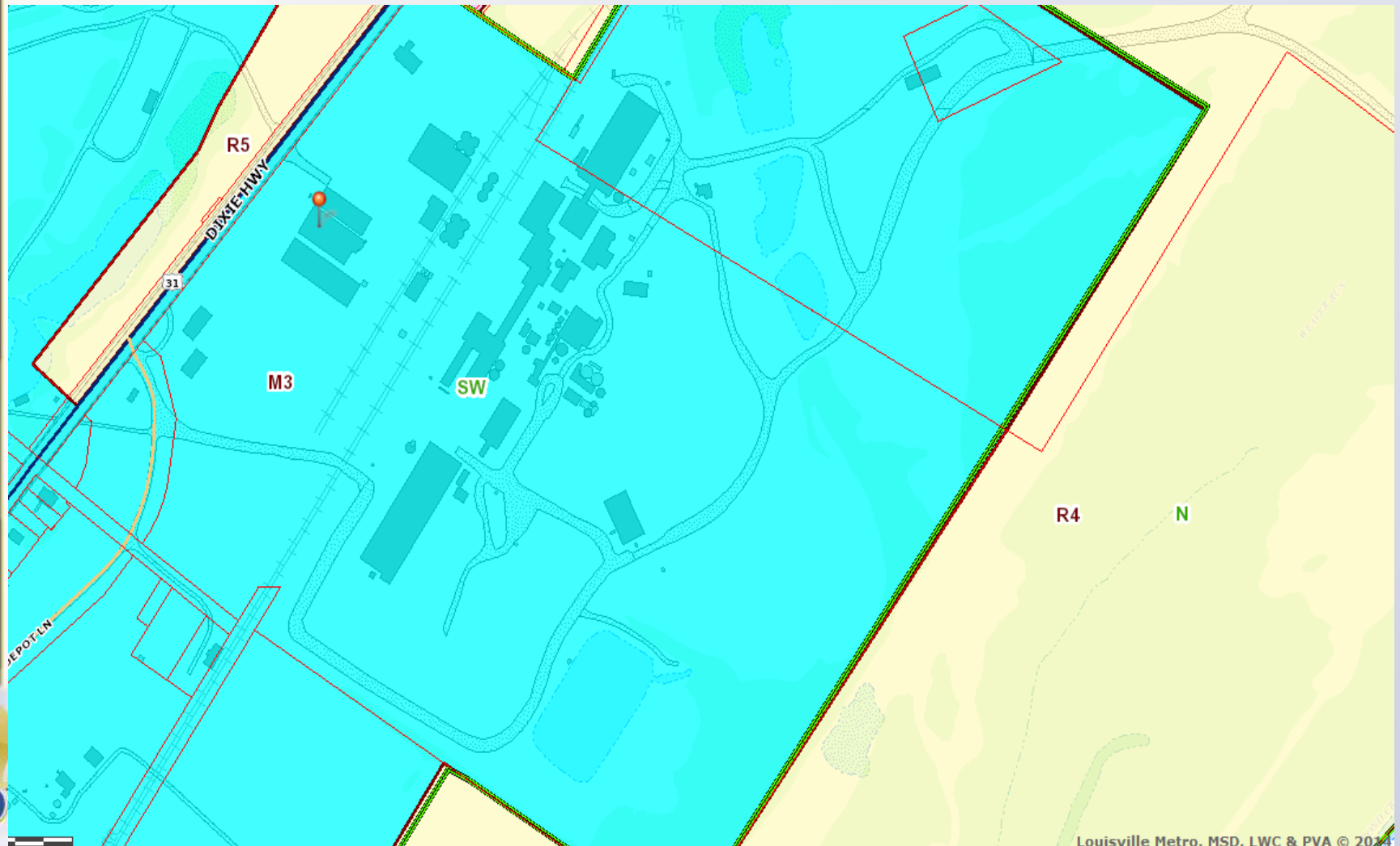
Summary Background

- On August 15, 2002, the Commission approved the request of an additional 1,200 square feet for the process of gypsum as a raw material necessary for the manufacture of cement.
-
- On June 24, 1999, the Land Development Committee scheduled the case for review by the full Planning Commission in business session at the July 1, 1999 meeting to allow a revised plan that shows the area west of Dixie Highway which contains the proposed cement dome and conceptual landscape plan.
-
- On November 25, 1998, the Land, Development and Transportation Committee approved only the revisions on the east side of Dixie Highway with the existing binding elements.
- On February 11, 1997, the Louisville and Jefferson County Planning Commission approved the change in zoning from R-4 and R-5 Residential Single Family to M-3 Industrial on property known as 15301 Dixie Highway (located on the east and west side of Dixie Highway) and a request for a Conditional Use Permit to allow the operation of a cement plant (east side), 9-43-93 CLW.

Site Context

- This portion of the Kosmos Cement Plant is located on the east side of Dixie Highway on approximately 161 acres.
- The property is zoned M-3
- Suburban Workplace.

Zoning Map



Aerial Map



Applicable Plans & Policies

- Cornerstone 2020
- Land Development Code

Standard of Review - CUP

- 1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?
- STAFF: The proposal meets all applicable policies of the Comprehensive Plan such as the new construction setback, mitigating associated odor or emissions, traffic concerns and waste management.
- 2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?
- STAFF: Yes, the proposal will be approximately 32 feet high at its highest point, located behind the silos and other structures and will not be easily seen from Dixie Highway.
- 3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?
- STAFF: Yes, this is an addition to the existing cement plant.
- 4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?
- STAFF: Yes, the plan and use of the site conform to the guidelines of the Comprehensive Plan where applicable, since the revisions will take place at the existing cement plant.

STANDARD OF REVIEW FOR REVISED 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 site;

STAFF: The proposal takes place at an existing cement plant where the new structures will be more than 1,200 feet from Dixie Highway and behind several existing buildings.

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

STAFF: The applicant has met all provisions for safe and efficient vehicular and pedestrian transportation, no change to the traffic pattern.

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

None required, existing cement plant.

STANDARD OF REVIEW

- 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: Adequate drainage facilities exist on the subject site and has received preliminary approval by MSD.

- 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;
As mentioned earlier, the new structures will be behind several existing buildings and more than 1,200 feet from Dixie Highway.

STANDARD OF REVIEW

- f. Conformance of the development plan with the Comprehensive Plan and the Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form district and comprehensive plan.
 - The plan and use of the site conform to the guidelines of the Comprehensive Plan where applicable and the Land Development Code, since the revisions are minimal compared to the existing cement plant.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

- The waiver will not adversely affect adjoining property owners; and
- STAFF: The nearest sidewalk to the north along the eastern side of Dixie Highway is approximately 2 miles away at Pendleton Road and none exists to the south to the county line, therefore the waiver will not adversely affect adjoining property owners.
-
- The waiver will not violate specific guidelines of the Comprehensive Plan; and
-
- STAFF: The waiver will not violate the Comprehensive Plan, since the sidewalk would not provide any type of connection.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The requested waiver is the minimum necessary to afford relief to the applicant, since Kosmos has 1,547 feet of frontage along Dixie Highway.

Either:

The applicant has incorporated other design measures that exceed the minimums of the district which compensate for non-compliance with the requirements to be waived

OR

The strict application of the provision of the regulations 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 regulations would create an unnecessary hardship on the applicant since there is an extensive amount of frontage along Dixie Highway and since the provide no type of connection.

Staff Conclusions

The proposal is a modification to the existing Conditional Use Permit, a Revised Detailed District Development Plan and a sidewalk waiver to allow a 9,100 square foot raw material storage structure with a sidewalk waiver. The structure would be more than 1,200 feet from Dixie Highway and would be screened by existing structures. The proposal meets the applicable policies of the Comprehensive Plan.

Required Actions

- Approve/Deny
- Modification of the existing Conditional Use Permit to allow a 9,100 square foot raw material storage structure

- Approve/Deny
- Revised Detailed District Development Plan to allow the proposed storage facility

- Approve/Deny
- Sidewalk Waiver