

**Louisville Metro Planning Commission
Staff Report
July 2, 2014**



Case Numbers:	14CUP1016 & 14DevPlan1070
Project Name:	Raw Material Storage Structure
Location:	15301 Dixie Highway
Owner/Applicant:	Kosmos Cement Company by Ricardo Quiroga Morales
Representative:	James D. (Tracy) Walker
Project Area/Size:	161 acres (Tract 1)
Existing Zoning District:	M-3
Existing Form District:	Neighborhood, Suburban Workplace
Jurisdiction:	Louisville Metro
Council District:	14 --- Cindi Fowler
Case Manager:	Steve Hendrix, Planning Supervisor

REQUEST

- 14CUP1016-----Modified Conditional Use Permit
- 14DevPlan1070----Revised Detailed District Development Plan

To allow construction of a raw material storage structure including clay, sand and mill scale that are used in its manufacturing process and a sidewalk waiver.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The Kosmos Cement Company is requesting to construct a 9,100 square foot raw material storage structure including clay, sand and mill scale that are used in its manufacturing process. The structure will be more than 1,200 feet from Dixie Highway and behind existing structures.

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.

On June 16, 2005, the Louisville Metro Planning Commission approved the construction of a sand storage building, conveying system and a storage silo with a landscape waiver not to require a sidewalk along Dixie Highway.

On January 29, 2004, the Louisville Metro Planning Commission approved to amend conditions #17 and #18 in Docket No. 9-43-93CLW to allow an extra year for the conservation easement and infrastructure to be built and recorded.

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.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Cement Plant	M-3	Suburban Workplace
Proposed	Storage Facility for plant	M-3	SW
Surrounding Properties			
North	Lounge, 2 Residences, Wooded Area	C-2, R-4	Neighborhood
South	Farm, Commercial	M-3	SW
East	Wooded Area	R-4	N
West	Flood Wall, Storage/Terminal	R-5, M-3	SW

INTERESTED PARTY COMMENTS

None Received .

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: Yes, the proposal meets all applicable policies of the Comprehensive Plan such as the 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?

4.2.43 Potentially Hazardous or Nuisance Uses

The following uses (manufacture, processing, treatment, or storage unless otherwise specified), having accompanying hazards such as fire, explosion, noise, vibration, dust, or the emission of smoke, odor, or toxic gases may, if not in conflict with other laws or ordinances, be located in industrial zones as indicated below by Conditional Use Permit after the location and nature of such use shall have been approved by the Board of Zoning Adjustment. In reviewing an application for a CUP, the Board of Zoning Adjustment shall review the plan and statements of the applicant and the following:

A. The Comprehensive Plan;

B. Environmental and health related concerns raised by the operation and the applicant's proposal to mitigate any adverse effects to the public's health, safety and general welfare;

C. The applicant's site design, buffering, and security measures and their adequacy to mitigate any adverse effects to the public's health, safety and general welfare;

D. Any other evidence submitted by the applicant and any other party addressing the issues.

A Conditional Use Permit under this section shall be issued only if the evidence shows the applicant's operation and associated nuisances will be properly managed and the public's health, safety and general welfare will be protected. The Board of Zoning Adjustment may impose additional conditions to protect surrounding properties. All Conditional Use Permits under this section shall be issued subject to the applicant also receiving all necessary permits from local, state and federal regulatory agencies.

EZ-1 and M-3

Aluminum powder

Brick, fireback, tile, clay products, including refractories: manufacturing, processing or treatment but not including storage

Cement, gypsum, lime, and plaster of paris (but not storage)

Charcoal, lampblack, carbon black, bone black, and fuel briquettes, including pulverizing
 Chemicals, including acetylene, acids and derivatives, alcohol (industrial), ammonia, aniline dyes, carbide, caustic soda, cellulose and cellulose storage, chlorine, cleaning and polishing preparation (non-soap), dressings and blackings, creosote, dyestuffs, exterminating agents and poisons, hydrogen and oxygen, plastic materials, and synthetic resins, potash, pyroxylin, tar products, turpentine and resin, and solvent-extracting
 Coal, coke, or tar products including fuel gas, and coke-oven products
 Distillation, manufacture, or refinement of coal, tar, asphalt, or asphalt products
 Metal and metal ores, reduction, refining, smelting, alloying, including blast furnaces, cupolas, and blooming mills (but not storage of metal products)
 Minerals and earths (including sand-lime products), grinding, crushing, processing or storage
 Paint manufacture, processing, or treatment (but not storage)
 Petroleum or petroleum products, refining, bulk storage, including gasoline or other petroleum products
 Plastic, manufacture, processing, treatment, or bulk storage
 Radioactive materials
 Steel works and rolling mills (ferrous) for steel, structural iron and steel fabrication, and structural products, including bars, cables, girders, rails, wire rope, or similar products
 Waste paper and rag operations
 Wood pulp or fiber, reduction or processing (including paper mill operations)

STAFF: Yes, evidence has been taken to show the operation and associated nuisances will be properly managed and the public's health, safety and general welfare will be protected. Again, this is a minor addition to the existing cement plant.

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

- 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;

STAFF: There are no open space requirements for the subject site.

- 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 have 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;

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

- 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 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 AND STAFF ANALYSIS FOR WAIVER to not provide required sidewalks along Dixie Highway per Land Development Code Section 5.8.1.B.

- (a) 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.

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

STAFF: The waiver will not violate the Comprehensive Plan and compliance with the Land Development Code is not appropriate, since the sidewalks would not provide any type of connection.

- (c) 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:

- (d) 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 provision 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 provision would provide no type of connection.

TECHNICAL REVIEW

Conditions of Approval

1. The site shall be used and developed in strict compliance with the approved development plan and the conditions of the conditional Use permit. No further development shall occur without prior review and approval of an amendment to the conditional use permit and or the development plan by the Planning Commission.
2. Modification of the conditional use permit shall not be necessary for the following activities:
 - (a) replacing or upgrading equipment not requiring expansion of existing buildings or new buildings and not increasing overall emissions from the plant;
 - (b) increasing production not requiring expansion of existing buildings or new buildings and not increasing overall emissions from the plant;
 - (c) changing raw materials or types of fuels (except for tire derived, refuse derived or hazardous waste derived fuels which shall require modification of the conditional use permit); and
 - (d) construction of additional internal roadways on the southeast side of Dixie Highway (the side where the plant is located).
3. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
4. Outdoor lighting shall be directed down and away from surrounding residential properties.
5. Prior to any tree clearing or removal in the landscape buffer areas, within 150 feet of the Ohio River, or elsewhere on the conditional use permit site (if more than 112 acre), review and approval of the Planning Commission staff landscape architect shall be required. Any such tree clearing or removal shall be reviewed for consistency with the Ohio River Corridor Master Plan.
6. The owner/developer shall obtain approval of the Planning Commission staff landscape architect of a detailed screening/buffering/ landscaping plan as described in Article 12 of the zoning regulations for the landscape buffer areas shown on the approved development plan. The screening/buffering landscaping plan shall be submitted within 120 days after final approval of the zoning changes by the Jefferson County Fiscal Court. The screening, buffering and landscaping shall be constructed in accordance with the schedules to be shown on the plan and maintained thereafter.
7. The general purposes of the River Corridor Connection (the Connection) as shown on the development plan are to create permanent open spaces along Pond Creek and to provide a land area for a portion of the Ohio River Corridor Trail envisioned by the Ohio River Corridor Master Plan.
The location of the scenic easements (the Easements) shown on the Connection plan are conceptual. The final location of the easements will be established by subsequent agreement of the owner/developer, the Planning Commission, River Fields, Inc. and Jefferson County.
The Owner/developer will then dedicate the Easements in accordance with applicable Kentucky statutes. Other details to accomplish the purposes of the Connection, including without limitation the types, character and location of facilities, construction costs, maintenance and insurance, will also be established by subsequent agreement of the same parties.
8. The developer shall at all times maintain valid and current air emission permits from the Louisville Metro Air Pollution Control District and operate in accordance with such permits, and shall maintain all required pollution control and emissions monitoring equipment in proper working order.
9. Any lease to an outside party of property owned by the developer on the southeast side of Dixie Highway for mining of sand, gravel, clay or other minerals, whether such property is within or without the area of the

conditional use permit, shall require modification of the conditional use permit or a new conditional use permit depending on where the property is located.

10. The developer will maintain a program to assure prompt and effective reporting of and response to any reportable releases from the facility; including timely notification and filing of release reports consistent with applicable federal, state and local rules and regulations. Copies of all such reports shall be filed at the Southwest Regional Library.

11. The landscaping plan included in the approved plan is conceptual. The developer will prepare a separate detailed landscaping plan which incorporates these concepts and any provisions required by MSD with respect to Alternative #1 coordinate same with River Fields, Inc., the Concerned Citizens Coalition and for Alternative #1 with MSD, and file same with the Planning Commission no later than August 1, 1999. Alternative #1 as shown on the plan will require approval by MSD. If the plan with Alternative #1 is approved by MSD and the Planning Commission staff landscape architect before the end of the season as determined by the Planning Commission staff landscape architect, the developer will implement Alternative #1 in the fall of 1999. If that time frame cannot be met but Alternative #1 is approved later, it will be implemented in the spring of 2000. If Alternative #1 is not approved, Alternative #2 will be implemented in the spring of 2000. The remaining landscaping to the south and west of the new cement storage dome shall be installed in the spring of 2000.

12. The Woodland Protection Areas (WPAs) shown on the approved plan are conceptual. The developer will prepare dimensional plans (with all necessary bearings and distances) establishing the WPAs in the field and submit that plan no later than August 15, 1999 to the Planning Commission, River Fields, Inc., and the Kentucky Resources Council, Inc., for review. The developer and the Planning Commission, River Fields, Inc., and the Kentucky Resources Council, Inc. will then coordinate the final terms of the WPAs and the deeds of restriction in accordance with existing Planning Commission policy.

13. The WPA line will be 50 feet north of the new belt conveyor and gallery and the intersection of that line with the north-south WPA line may change. Any modification of the WPAs shall require six weeks advance written notice to River Fields, Inc., the Kentucky Resources Council and the Concerned Citizens Coalition and LD&T action. (The applicant has advised these groups and the Planning Commission staff that it may soon file a revised plan and modification of the WPAs for installation of a new fly ash system on the River with a pneumatic tube from the River to the plant.)

14. A minor subdivision plat shall be recorded creating the lot as shown on the District Development Plan. A copy of the recorded instrument must be provided to Planning Commission staff prior to transmittal to the building department.

15. Kosmos or its successor-in-interest shall assume responsibility for assuring that any contractor, subcontractor, or other entity constructing or operating the manufactured gypsum facility to be located on the Kosmos property shall at all times comply with federal, state and local environmental, public health and public safety and zoning ordinances, including all previous conditions imposed on this property through the development plan and conditional use permit.

16. Final completion and execution of a Conservation Easement to River Fields, Inc., in a form mutually acceptable to all parties to the agreement, of an area of approximately 46.8 acres (the exact acreage is to be determined in accordance with a survey of the easement area), which includes two access strips, an area which may be used in the future for parking, and land along Pond Creek (similar to the conceptual "River Corridor Connection Plan" by DEI revised 7/19/99), shall occur within eighteen months of the date of this approval and as further specified in the Letter of Agreement referenced and attached herein.

17. Future development within the conservation easement area will be limited to a parking lot, access road to the parking area, fence between the easement and the rest of the Kosmos property, public access walking and hiking trails, pedestrian bridges, small signs, and other facilities for pedestrian enjoyment similar to those

envisioned by the 1998 Kosmos Greenway Conceptual Master Plan. Construction cost obligations for these facilities are set forth in the attached Letter of Agreement.

18. Written notice of any request for an amendment to these conditions, the conditional use permit, and/or the development plan shall be given to River Fields, Inc., the Concerned Citizens Coalition, the Southwest Community Neighborhood Association, and the Kentucky Resources Council, Inc., at least six weeks before the request is filed with the Planning Commission. Any such amendments shall be submitted to the Planning Commission, not the Board of Zoning Adjustment.

(This item replaces Condition #2 in the Planning Commission minutes of January 2, 1997).

19. Kosmos Cement Company (owner of residual tract) shall provide vehicular and pedestrian access to and from Tract I by perpetual easement over and across the residual tract for as long as Tract 1 remains a separate tract.

20. The applicant shall provide minor plat approval from Public Works, MSD and Pleasure Ridge Park Fire Department.

STAFF CONCLUSIONS

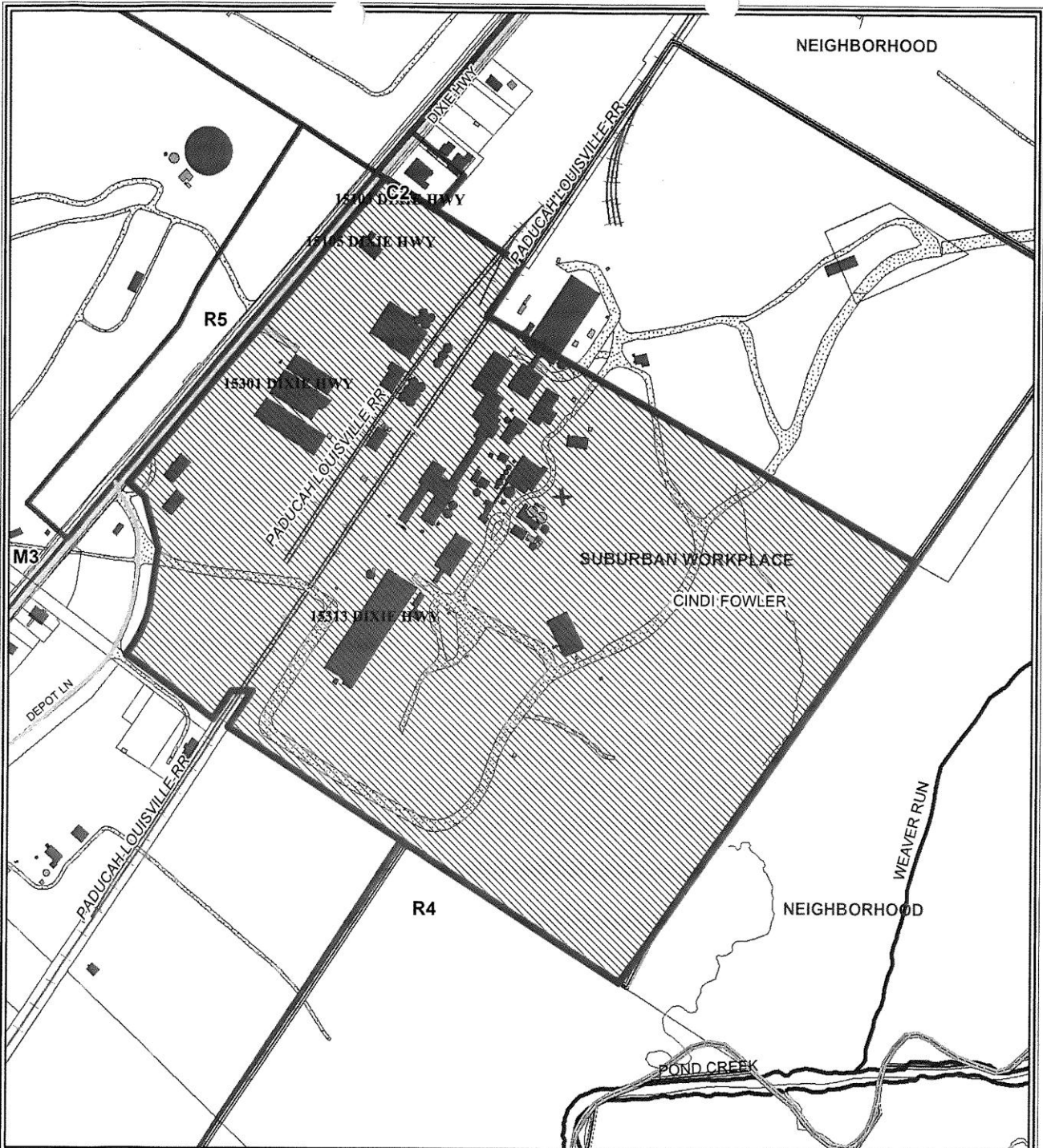
The proposal is a modification to the existing Conditional Use Permit, a Revised Detailed District Development Plan and a sidewalk waiver to allow a 9,100 square foot raw material storage structure with a sidewalk waiver. The structure would be located more than 1,200 feet from Dixie Highway and would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

NOTIFICATION

Date	Purpose of Notice	Recipients
June 18, 2014	Notices Mailed	1 st tier property owners and interested parties
June 19, 2014	Sign Posted	Interested parties

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Applicant's Justification/Exhibits
5. Cornerstone 2020 Staff Checklist
6. Pictures

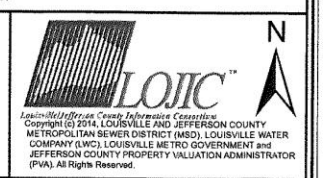


R-R RURAL RES.	R-5 RES. S.FAM.	R-8A RES. M-FAM.	C-R COMM./RES.	M-1 IND.	DRO DEV. REVIEW OV.
R-E RES. EST.	RRD RES. REDEV	OR-1 OFF./RES.	C-1 COMM.	M-2 IND.	W-1 WATERFRONT
R-1 RES. S.FAM.	R-5A RES. M-FAM.	OR-2 OFF./RES.	C-2 COMM.	M-3 IND.	W-2 WATERFRONT
R-2 RES. S.FAM.	R-5B TWO-FAM.	OR-3 OFF./RES.	C-3 CBD	CRO CRO. REVIEW OV	W-3 WATERFRONT
R-3 RES. S.FAM.	R-6 RES. M-FAM.	OTF OFF./TOUR	C-M COMM. MAN.	PRO PLAN. RESEARCH	WRO WATER. REVIEW OV.
R-4 RES. S.FAM.	R-7 RES. M-FAM.	C-N NEIGH. COMM.	EZ-1 ENTERPRISE	PEC PLAN. EMP. CEN.	



Zoning District Map
 Louisville/Jefferson Metro Government
 Planning and Design
 Services

14CUP1016
CUP
 Scale:1:6304 Date: 05/27/2014



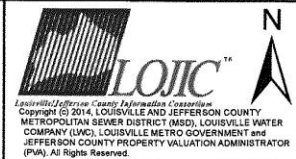


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Zoning District Map
 Louisville/Jefferson Metro Government
 Planning and Design
 Services

14CUP1016
CUP
 Scale: 1:4899 Date: 05/27/2014



**ATTACHMENT TO APPLICATION
OF KOSMOS CEMENT COMPANY TO MODIFY CONDITIONAL USE PERMIT**

LETTER OF EXPLANATION

This application is made by Kosmos Cement Company (“Kosmos”) to amend the conditional use permit for its cement plant approved on January 2, 1997 (and subsequently amended). The desired amendment would allow Kosmos to construct a new raw materials storage structure (the “Storage Structure”) on its current site located at 15301 Dixie Hwy, Valley Station, KY 40272. Contemporaneously with the filing of this application, Kosmos is filing an application for a revised detail district development plan that would allow for the proposed Storage Structure.

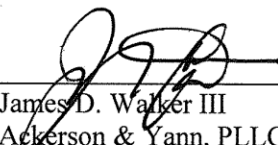
There are four (4) “Conditions of Approval” with respect to Kosmos’ existing conditional use permit and revised detail district development plan that are applicable to this application. These conditions were enumerated in the December 20, 2012 Planning Commission Minutes, a copy of which are attached hereto as Exhibit A, and include the following applicable conditions:

1. Condition #1 requires “an amendment to the conditional use permit and/or the development plan by the Planning Commission” in order to permit further development on the site.
2. Condition #3(a) and #3(b) provide that modification of the conditional use permit shall not be necessary when (i) replacing or upgrading equipment, or (ii) increasing production provided same does not require “new buildings”. Given this proposal involves the construction of a new structure, this condition presumably necessitates a modification of the conditional use permit.
3. Condition #19 requires that six weeks advance notice of any request for an amendment to the conditional use permit and/or development plan be given to River

Fields, Inc., the Concerned Citizens Coalition, the Southwest Community Neighborhoods Association, and the Kentucky Resources Council, Inc. The foregoing notice was given on March 21, 2014 and a copy of the notice is attached hereto as Exhibit B.

4. Condition #19 requires that any amendment to the conditional use permit and/or development plan be submitted to the Planning Commission and not to the Board of Zoning Adjustment.

Kosmos intends to utilize the proposed Storage Structure to store raw materials such as clay, sand, and mill scale that are used in its cement manufacturing process. The footprint of the proposed Storage Structure, a picture of which is attached hereto as Exhibit C, will have dimensions measuring approximately sixty-five (65) feet by one-hundred forty (140) feet. The Storage Structure will not have a foundation but rather will have six (6) foot walls on two (2) sides which will be constructed of concrete blocks and will be open on either end. The roof of the Storage Structure will be constructed of arched steel rafters covered by a thick fabric material. At its highest point the Storage Structure will measure approximately thirty-two (32) feet. The Storage Structure will be located behind the kiln in the industrial portion of the plant and will not be easily viewable from Dixie Highway or other property lines, if at all.



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Counsel for Kosmos Cement Company

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WHEREAS, the Commission further finds that, based on the evidence and testimony presented today and the evidence presented in the staff report, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised Detailed District Development Plan as presented at the December 20, 2012 Planning Commission public hearing to allow construction of improvements on the site for storage and processing of refuse derived fuel, **SUBJECT** to the following Conditions of Approval:

Conditions of Approval

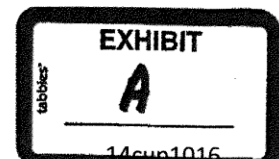
✓ 1. The site shall be used and developed in strict compliance with the approved development plan and the conditions of the conditional Use permit. No further development shall occur without prior review and approval of an amendment to the conditional use permit and or the development plan by the Planning Commission.

~~2. These conditions may be amended pursuant to the Zoning District Regulations. Written notice of any request for an amendment to these conditions, the conditional use permit and or the development plan shall be given to River Fields, Inc., the Concerned Citizens Coalition and the Kentucky Resources Council, Inc. at least six weeks before the request is filed with the Planning Commission.~~

3. Modification of the conditional use permit shall not be necessary for the following activities:

- ✓ (a) replacing or upgrading equipment not requiring expansion of existing buildings or new buildings and not increasing overall emissions from the plant;
- (b) increasing production not requiring expansion of existing buildings or new buildings and not increasing overall emissions from the plant;
- (c) changing raw materials or types of fuels (except for tire derived, refuse derived or hazardous waste derived fuels which shall require modification of the conditional use permit); and
- (d) construction of additional internal roadways on the southeast side of Dixie Highway (the side where the plant is located).

4. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.



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5. Outdoor lighting shall be directed down and away from surrounding residential properties.
6. Prior to any tree clearing or removal in the landscape buffer areas, within 150 feet of the Ohio River, or elsewhere on the conditional use permit site (if more than 112 acre), review and approval of the Planning Commission staff landscape architect shall be required. Any such tree clearing or removal shall be reviewed for consistency with the Ohio River Corridor Master Plan.
7. The owner/developer shall obtain approval of the Planning Commission staff landscape architect of a detailed screening/buffering/ landscaping plan as described in Article 12 of the zoning regulations for the landscape buffer areas shown on the approved development plan. The screening/buffering landscaping plan shall be submitted within 120 days after final approval of the zoning changes by the Jefferson County Fiscal Court. The screening, buffering and landscaping shall be constructed in accordance with the schedules to be shown on the plan and maintained thereafter.
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9. The developer shall at all times maintain valid and current air emission permits from the Louisville Metro Air Pollution Control District and operate in accordance with such permits, and shall maintain all required pollution control and emissions monitoring equipment in proper working order.
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Planning Commission staff that it may soon file a revised plan and modification of the WPAs for .

installation of a new fly ash system on the River with a pneumatic tube from the River to the plant.)

15. A minor subdivision plat shall be recorded creating the lot as shown on the District Development Plan. A copy of the recorded instrument must be provided to Planning Commission staff prior to transmittal to the building department.

16. Kosmos or its successor-in-interest shall assume responsibility for assuring that any contractor, subcontractor, or other entity constructing or operating the manufactured gypsum facility to be located on the Kosmos property shall at all times comply with federal, state and local environmental, public health and public safety and zoning ordinances, including all previous conditions imposed on this property through the development plan and conditional use permit.

17. Final completion and execution of a Conservation Easement to River Fields, Inc., in a form mutually acceptable to all parties to the agreement, of an area of approximately 46.8 acres (the exact acreage is to be determined in accordance with a survey of the easement area), which includes two access strips, an area which may be used in the future for parking, and land along Pond Creek (similar to the conceptual "River Corridor Connection Plan" by DEI revised 7/19/99), shall occur within eighteen months of the date of this approval and as further specified in the Letter of Agreement referenced and attached herein.

18. Future development within the conservation easement area will be limited to a parking lot, access road to the parking area, fence between the easement and the rest of the Kosmos property, public access walking and hiking trails, pedestrian bridges, small signs, and other facilities for pedestrian enjoyment similar to those envisioned by the 1998 Kosmos Greenway Conceptual Master Plan. Construction cost obligations for these facilities are set forth in the attached Letter of Agreement.

✓ } 19. Written notice of any request for an amendment to these conditions, the
✓ } conditional use permit, and/or the development plan shall be given to River
Fields, Inc., the Concerned Citizens Coalition, the Southwest Community
Neighborhood Association, and the Kentucky Resources Council, Inc., at
at least six weeks before the request is filed with the Planning Commission.
Any such amendments shall be submitted to the Planning Commission, not
the Board of Zoning Adjustment.

District Development Plan Justification (Attachment)

1. No natural resources are in the vicinity of the proposed structure. Specifically, the proposed storage structure will be located in the area of existing cement manufacturing operations in the industrial portion of the site and will not be easily visible from Dixie Highway or other property lines, if at all.

Additionally, the structure will be placed in the vicinity of current raw material stockpiles (e.g. sand, clay) and is not expected to disturb any natural resources such as trees, steep slopes, water courses, flood plains, scenic views or historical sites

2. The proposed structure project will not impact the safety and efficiency of vehicular and pedestrian transportation within the development or community. Currently, raw materials are loaded and unloaded into and from existing stockpiles on an ongoing basis in the area of the proposed structure. The proposed structure will simply cover these existing operations and will not have an impact on expected traffic patterns.
3. The proposed structure will not have an impact on scenic and recreational spaces. As noted above, the proposed storage structure will be located in the area of existing cement manufacturing operations in the industrial portion of the site and will not be easily visible from Dixie Highway or other property lines, if at all.
4. The proposed structure will not affect drainage patterns at the site. The structure will cover existing open stockpiles and is not expected to impact overall drainage patterns.
5. The proposed structure is compatible with the existing and expected development of the site. Specifically, the proposed structure is located in the industrial portion of the cement manufacturing site and is for the storage of raw materials that will be used at the site.
6. Upon review of the relevant provisions of the Comprehensive Plan and the Land Development Code, the proposed revision to the District Development Plan is in conformance with both the Comprehensive Plan and the Land Development Code.

Received: May 19, 2014

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#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments	Final Finding	Final Comments
26	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.			✓	Existing cement plant, using Dixie Highway
27	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.			✓	Existing cement plant, using Dixie Highway
28	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.12: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.			NA	
29	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.34: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.			NA	

+ exceeds guidelines
✓ meets guidelines
+/- more information needed

- does not meet guidelines
NA not applicable

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Findings	Pre-App Comments	Final Finding	Final Comments
30	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.			✓	Existing cement plant, using Dixie Highway
31	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.			NA	
32	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.			✓	Existing cement plant.
33	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.			NA	
34	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.			NA	
35	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.			✓	Existing cement plant, with access on Dixie Highway

+ exceeds guidelines
✓ meets guidelines
+/- more information needed

- does not meet guidelines
NA not applicable

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments	Final Finding	Final Comments
36	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-17, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.			NA	
37	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-17, all related Objectives	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.12: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.			NA	
38	Livability Goals B1, B2, B3, B4, Objectives B1, 1-1.8, B2, 1-2.7, B3, 1-3.4, B4, 1-4.3	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.			✓	MSD requiring applicant to add water management number to the plan.
39	Livability Goals C1, C2, C3, C4, all related Objectives	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.			✓	No objections.
40	Livability Goals F1 and F2, all related objectives	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.			NA	
41	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.			✓	

+ exceeds guidelines
✓ meets guidelines
+/- more information needed

- does not meet guidelines
NA not applicable

#	Comerstone 2020 Guidelines & Policies	Comerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments	Final Finding	Final Comments
42	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.			✓	PRP Fire Department
43	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.			✓	Existing plant.

+ exceeds guidelines
✓ meets guidelines
+/- more information needed

- does not meet guidelines
NA not applicable

Kosmos Cement Company Sidewalk Waiver Justification

1. The proposed waiver conforms to the Comprehensive Plan and intent of the LDC. Guidelines 9.1 & 12.8 are being met in this area with the mixed use trail that parallels the river in this location providing a safer pedestrian environment.
2. Compliance with the regulations is not appropriate and will result in the development more in keeping with the Comprehensive Plan and overall intent of the Land Development Code. The high rate of speed and large volume of traffic on this section of Dixie Highway could be dangerous to pedestrians. Kosmos previously constructed and implemented landscaping on both sides of Dixie Highway and have worked with River Fields to plan and purpose conservation easements for walking trails. It is also possible to walk on top of the earthen floodwall/berm on the Kosmos property on the east side of Dixie Highway.
3. There will be no impacts on the adjacent property owners by granting the waiver. There are no sidewalks along this sparsely populated stretch of Dixie Highway on either side of the road.
4. Strict application of the provision of the regulations would deprive the applicant of reasonable use of the land or create an unnecessary hardship. There is a large amount of road frontage for this development. The waiver results from a CUP condition that requires an amendment to the existing CUP in order to permit further site development. Each time the applicant proposes new site development on the 161+ acre site they are required to file a revised CUP and the sidewalk waiver triggered per Chapter 5 part 8 of the LDC. A prior sidewalk waiver application (Case 9-43-93CLW) was approved for this site for the same reason.

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