

Board of Zoning Adjustment

Staff Report

April 24, 2023



Case No:	22-MCUP-0005
Project Name:	Waste Management Addition
Location:	2673 Outer Loop
Owner(s):	Waste Management of Kentucky, LLC.
Applicant:	Stites & Harbison, PLLC.
Jurisdiction:	Louisville Metro
Council District:	13 – Dan Seum, Jr.
Case Manager:	Molly Clark, Planner II

REQUEST(S)

- **Modified Conditional Use Permit** for Earth Excavation, Filing, and Refuse Disposal Operations, Major (LDC 4.2.22).

CASE SUMMARY

A conditional use permit (CUP) for a landfill was granted for the property by the Board of Zoning Adjustment on April 1, 1985 (docket B-28-85). Under the same B-28-85, the landfill expanded again in 1994. The landfill operation again expanded and rezoned 782.60 acres from C-2, EZ-1 and M-2 to M-3 Industrial under case number 9-39-97CLW, making the entire site plan certain.

The applicant is proposing to upgrade a 36,000 sq ft area that currently houses biological treatment tanks and will have a proposed 6,500 sf building addition that will support the treatment tanks which includes an office with storage area, restrooms and other indoor support equipment. This case is related to 23-DDP-0015 which is the revised detailed district development plan associated with the proposed Modified Conditional Use Permit.

Case History:

- B-28-85: Original Conditional Use Permit for a Landfill, Modified in 9-19-1994 to expand landfill site
- B-176-89: Modified Conditional Use Permit to allow a borrow pit operation
- B-9-94: Modified Conditional Use Permit to allow an additional borrow pit operation
- 9-39-97CLW: rezoning from C-2, EZ-1, and M-2 to M-3 with a conditional use permit, landscape waiver for the expansion on the landfill.
- 16307: Revised Detailed District Development Plan and Modified Conditional Use permit for a proposed fuel center addition.
- 14CUP1049: Modified Conditional Use Permit to add 20 compressed natural gas time full refueling stations, add equipment and add 27 parking stalls.
- 15CUP1001: Modified Conditional Use Permit to add outdoor recycling facilities
- 16CUP1003: Modified Conditional Use Permit for proposed 7,500 sf maintenance building
- 16DEVPLAN1026: Revised Detailed District Development Plan for 7,500 sf maintenance building
- 17CUP1004: Modified Conditional Use Permit to construct a structure that will convert landfill gas from waste disposal operations
- 17DEVPLAN1042: Revised Detailed District Development Plan related to 17CUP1004
- 19CUP1059: Modified Conditional Use Permit to allow operation to be 24 hours a day, 7 days a week for a period of 90 days

- 20-MCUP-0004: A Modified Conditional Use Permit to modify the hours of operation to 24 hours, 7 days a week

STAFF FINDING

The modified conditional use permit is adequately justified for approval based on staff's analysis contained in the standard of review.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the plans.

A Condition is proposed stating that the applicant will pay a fee in lieu for offsite construction of sidewalks.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR MODIFIED CONDITIONAL USE PERMIT

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

STAFF: The modification to the conditional use permit is consistent with land use and development policies of Plan 2040.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: No improvements are being made that reduce compatibility with surrounding land uses or the general character of the area.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: Necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, and emergency services are adequate to serve the proposed use are available.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

STAFF: The modified conditional use permit remains compliant with the standards required to obtain the conditional use permit and all conditions of approval.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Modified Conditional Use Permit** for Earth Excavation, Filing, and Refuse Disposal Operations, Major (LDC 4.2.22).
 - **ON CONDITION** that the applicant will pay a fee in lieu for offsite construction of sidewalks.

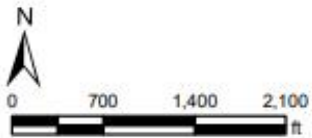
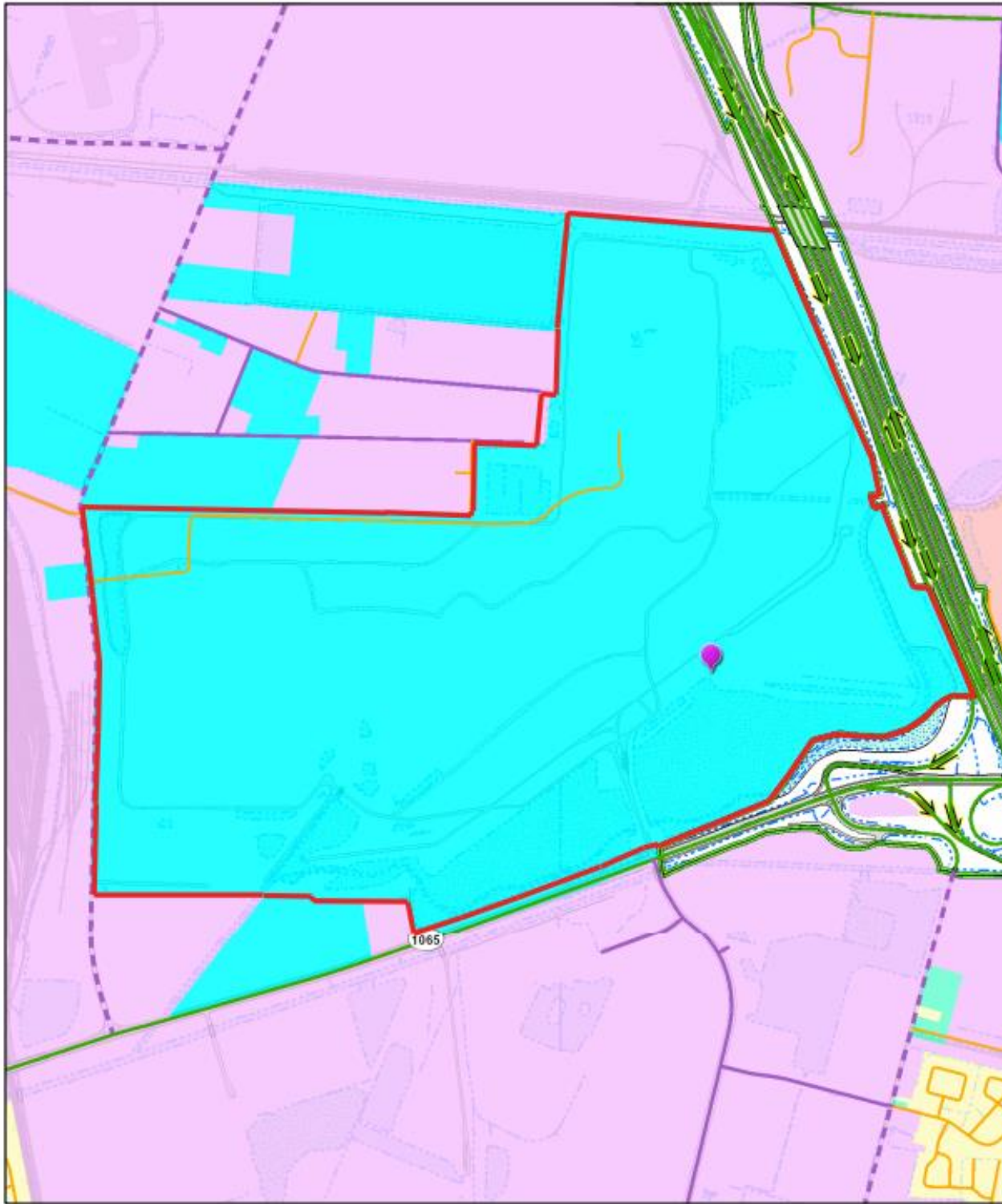
NOTIFICATION

Date	Purpose of Notice	Recipients
4/11/23	Hearing before BOZA	Registered Neighborhood Groups in Council District 13

ATTACHMENTS

1. Zoning Map
2. Aerial Map
3. Site Plan
4. Existing Conditions of Approval
5. Proposed Conditions of Approval

1. **Zoning Map**



Tuesday, April 18, 2023 | 12:21:45 PM

 **LOJIC**
LOJIC © 2023

This map is not a legal document and should only be used for general reference and identification

2. **Aerial Map**



0 700 1,400 2,100
ft

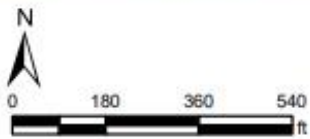
Tuesday, April 18, 2023 | 11:51:59 AM



LOJIC © 2023

This map is not a legal document and should only be used for general reference and identification

Area of Modified Conditional Use Permit



Tuesday, April 18, 2023 | 2:10:43 PM



LOJIC © 2023

This map is not a legal document and should only be used for general reference and identification

4. Existing Conditions of Approval

Conditions of Approval for Consolidation and Expansion of Landfill (B-28-85)

The Board does hereby WAIVE Section IV, D., 27., Items b.; b., (3); c., (1); d., (1), ©, xi.; and item d., reviewed at 5 year intervals, however, no public hearing shall be required on the occasion of each 5 year review unless requested by the Zoning Enforcement Officer.

1. The landfill shall be operated in strict compliance with all applicable listed requirements of section IV, D., 27 of the Zoning district Regulations, unless a specific waiver of the requirement has been granted by the Board of Zoning Adjustment.
2. The landfill shall be operated in strict compliance with the approved site development plan and the Environmental Impact Report and Operating Plan submitted by the applicant. The November, 1984, Environmental Impact Report and Operating Plan shall be considered a part of the approved site development plan.
3. The landfill shall be operated in strict compliance with all applicable Federal, State, and local regulations applicable to any portion of the operation.
4. All drainage improvements and the operation of the landfill shall be in conformance with all conditions of approval by the Jefferson County Public Works and Transportation Cabinet Water Management Engineering Section and the Louisville District Army Corps of Engineers.
- 5a. SCA Services shall maintain all perimeter ditches and sedimentation basins. This maintenance shall be performed annually or within 30 days of written notice from the Jefferson County Department of Public Works and Transportation.
- b. SCA Services shall provide construction plans for and construct a five foot wide flat bottom ditch in the 60' right-of-way north of the Grade Lane tract at such time as the right-of-way is converted to provide use for drainage purposes. Additionally SCA Services shall remove overfill from adjoining tracts where permission of effected property owners is obtainable.
- c. SCA Services provide construction plans and construct a perimeter ditch parallel with the south property line of the Grade Lane tract. This perimeter ditch shall be installed only if the Grade Lane tract is creating a drainage problem for the adjacent property to the south. The construction of this ditch shall be completed within ninety days of written notice from the Jefferson County Department of Public works and Transportation.
6. No fill materials shall be accepted which are classified as hazardous or toxic waste.

5. Proposed Conditions of Approval

Conditions of Approval for Consolidation and Expansion of Landfill (B-28-85)

The Board does hereby WAIVE Section IV, D., 27., Items b.; b., (3); c., (1); d., (1), ©, xi.; and item d., reviewed at 5 year intervals, however, no public hearing shall be required on the occasion of each 5 year review unless requested by the Zoning Enforcement Officer.

1. The landfill shall be operated in strict compliance with all applicable listed requirements of section IV, D., 27 of the Zoning district Regulations, unless a specific waiver of the requirement has been granted by the Board of Zoning Adjustment.
2. The landfill shall be operated in strict compliance with the approved site development plan and the Environmental Impact Report and Operating Plan submitted by the applicant. The November, 1984, Environmental Impact Report and Operating Plan shall be considered a part of the approved site development plan.
3. The landfill shall be operated in strict compliance with all applicable Federal, State, and local regulations applicable to any portion of the operation.
4. All drainage improvements and the operation of the landfill shall be in conformance with all conditions of approval by the Jefferson County Public Works and Transportation Cabinet Water Management Engineering Section and the Louisville District Army Corps of Engineers.
- 5a. SCA Services shall maintain all perimeter ditches and sedimentation basins. This maintenance shall be performed annually or within 30 days of written notice from the Jefferson County Department of Public Works and Transportation.
- b. SCA Services shall provide construction plans for and construct a five foot wide flat bottom ditch in the 60' right-of-way north of the Grade Lane tract at such time as the right-of-way is converted to provide use for drainage purposes. Additionally SCA Services shall remove overfill from adjoining tracts where permission of effected property owners is obtainable.
- c. SCA Services provide construction plans and construct a perimeter ditch parallel with the south property line of the Grade Lane tract. This perimeter ditch shall be installed only if the Grade Lane tract is creating a drainage problem for the adjacent property to the south. The construction of this ditch shall be completed within ninety days of written notice from the Jefferson County Department of Public works and Transportation.
6. No fill materials shall be accepted which are classified as hazardous or toxic waste.

7. Applicant will pay a fee in lieu for offsite construction of sidewalks.