

Planning Commission

Staff Report

May 26, 2022



Case No:	22-WAIVER-0069
Project Name:	BioProducts LLC
Location:	1401 Locust Street
Owner(s):	Spring Street Dev LLC
Applicant:	BioProducts LLC
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Dante St. Germain, AICP, Planner II

REQUEST

- Amend the 200-foot setback adjacent to residential properties not zoned EZ-1

CASE SUMMARY/BACKGROUND

The applicant is proposing to occupy existing industrial structures for the purpose of processing waste water and spent grain produced in off-site distilling operations. The processing method has been determined to be an M-2 use. The subject site is zoned EZ-1 and M-3 in the Traditional Neighborhood form district. The majority of the site is EZ-1, with the M-3 zoned portion a small area to the south of the site. The M-3 portion of the site is plan certain under docket 9-106-79. The portion proposed to be used for the processing operation is not plan certain. The building proposed to be utilized is approximately 55' from the property line adjoining residentially-zoned property, and approximately 150' feet from the nearest residential structure.

STAFF FINDING

Per Land Development Code section 2.6.1, uses permitted in the C-2 and M-1 are permitted within 200 feet of residential properties not zoned EZ-1. The processing of waste water and spent grain has been determined to be an M-2 use. The Planning Commission must determine whether the 200-foot setback should be amended to allow the proposed use.

TECHNICAL REVIEW

The method by which the waste water and spent grain is processed has been determined to fall into the M-2 category of uses, although it is not specifically listed in the Land Development Code. The procedure involves anaerobic biological treatment of the waste product in order to produce fiber which can be further processed into useful products, and effluent which is suitable to discharge into the MSD water treatment system. The procedure does not fall into the definition of a Biodigester, as minimal methane is produced and the primary purpose of the anaerobic biological treatment is not the production of energy. No effluent is proposed to be discharged to Beargrass Creek.

The applicant has met with representatives of the Irish Hill Neighborhood Association.

INTERESTED PARTY COMMENTS

Interested neighbor Lisa Santos, a representative of the Irish Hill Neighborhood Association, contacted staff requesting a meeting with the applicant prior to the Planning Commission public hearing. Staff recommended to the applicant that this meeting be arranged, and the applicant did meet with representatives of the neighborhood association. Staff also received a visit from an interested neighbor, James Marshall, inquiring as to whether this or any other applicant has submitted a similar application, and requesting more information regarding the processing method and why the applicant's request is not considered a Biodigester.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the request to modify the 200-foot EZ-1 setback standards adjacent to residential properties not zoned EZ-1.

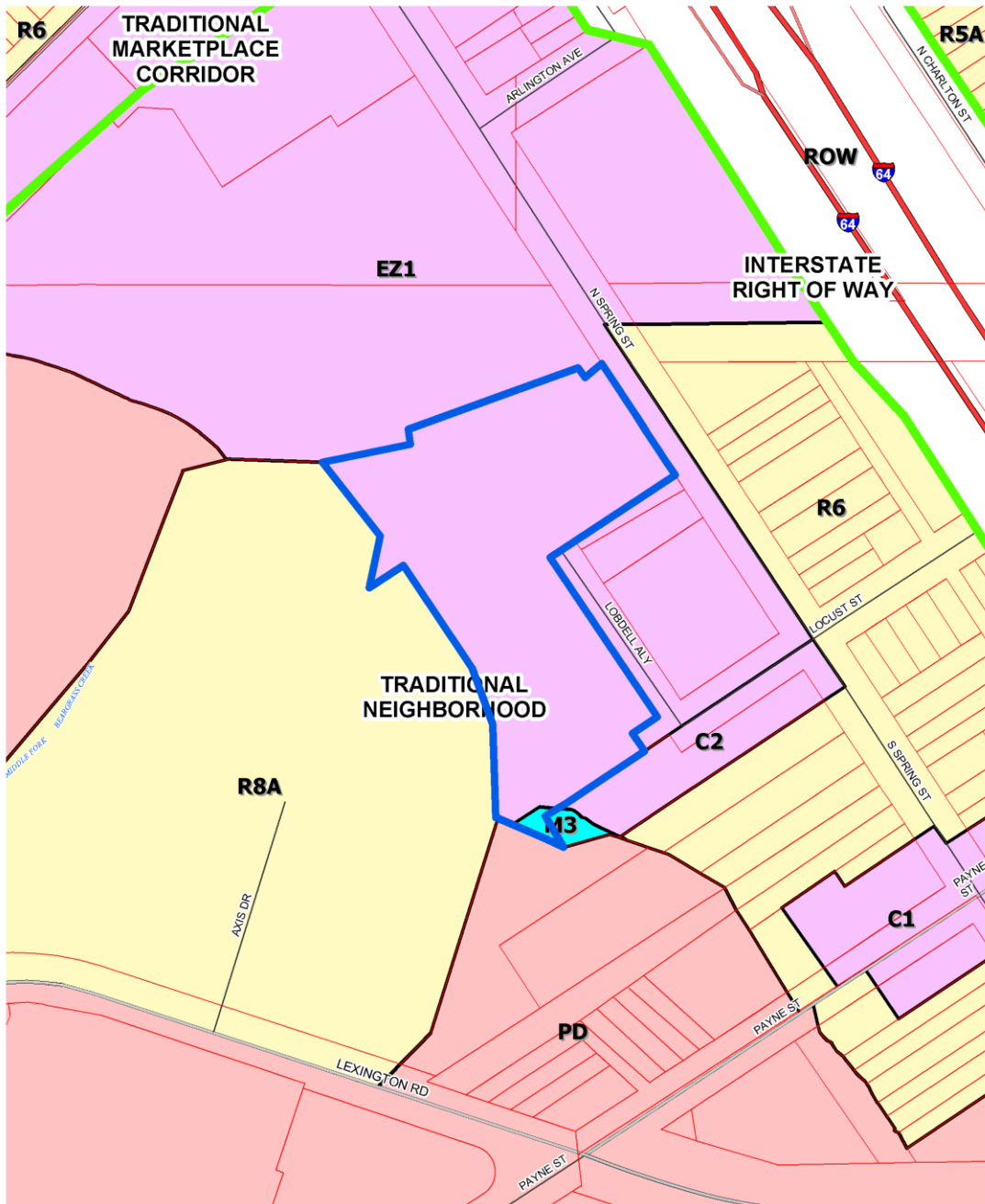
NOTIFICATION

Date	Purpose of Notice	Recipients
05/10/2022	Hearing before Planning Commission	1 st tier adjoining property owners & current residents Owners of residential properties not zoned EZ-1 within 200' of the subject site Registered Neighborhood Groups in Council District 9

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



1401 Locust Street

feet



175

Map Created: 5/9/2022



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2. Aerial Photograph



1413 Locust Street
feet

175

Map Created: 5/9/2022



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