

**Justification for Temporary Relief from 14CUP1003**

On January 11, 2016, the Board adopted Condition Nos. 1, 8, 11 and 12, among other conditions of approval.

Condition 1 states as follows

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.

General Note 1 of the Development Plan provides that “vehicular access to site is controlled by one gate entrance at Cabel Street located at N.W. corner of property. All other existing gates are locked entrances.”

Condition 8 states as follows:

8. Operation.

A. No empty trailers or Transportation Refrigeration Units (“TRUs”) located east of the “10PM to 6 AM line shown on the approved CUP plan shall be moved or connected to a tractor or shag truck; nor shall any tractors or shag trucks be operated in this area.

B. Exception: Empty trailers brought to the Cabel Street Lot by over-the-road haulers may be taken to the Washout Building for cleaning, but must be moved immediately thereafter to the west of the “10PM to 6 AM line” shown on the approved CUP plan.

Condition 11 states as follows:

11. Late night shag truck/trailer movement. Following the completion of improvements required by the Louisville Department of Public Works at the intersection of Buchanan Street and Franklin Street, and between the hours of 12 AM and 6 AM shag trucks/trailers shall use the following route to move between the Cabel Street Lot and the JBS/Swift plant at 1200 Story Avenue (the “plant”)

A. Movement from the Cabel Street Lot to the plant. Shag trucks/trailers shall travel Cabel Street to Franklin Street to Buchanan Street to Bickel Avenue to Mellwood Avenue to Spring Street to Story Avenue to the plant (thereby avoiding movement on Cabel Street and Story Avenue)

B. Movement from the plant to the Cabel Street Lot. Shag trucks/trailers shall travel from the plant to Story Avenue to Buchanan Street to Franklin Street to Cabel Street to the Cabel Street Lot (thereby avoiding movement on Cabel Street between Franklin Street and Story Avenue)

Condition 12 states as follows:

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12. An 8 ft. tall wooden perimeter fence shall surround the property and be substantially the same as what was presented in the Applicant's PowerPoint presentation at today's hearing, with the exception of the installation of the 12 ft. tall Acoustifence® as delineated on the plan. The existing chain link fence along the northern perimeter of the site adjacent to Marshall's Auto Parts business shall remain.

In connection with the construction of the soccer stadium, utility work will be performed on Cabel Street which will necessitate the closure of Cabel Street. Such construction work is anticipated to begin around November 1, 2018, and is expected to last three to six months.

Because of these temporary situations, Louisville/Jefferson County Metro Government ("Metro") respectfully requests that JBS USA, LLC and Swift Pork Company ("JBS/Swift") be temporarily relieved of its obligations to comply with Conditions 1, 11 and 12 until the work has been completed, and that Exception 8B be expanded to allow trucks to move across the "10 PM to 6 AM line" to/from to/from the access point on 250 Adams Street until the utility work has been completed. Metro owns 250 Adams Street, and leases 201 Cabel Street from LG&E (and subleases 201 Cabel Street to JBS/Swift). Metro is willing to allow JBS/Swift, for the duration of this utility work, to access the curb cut from 250 Adams onto Adams Street for access to and from 201 Cabel Street. This would also require the temporary removal of a portion of the existing chain link fence along the northern perimeter of the site in order to allow trucks access to and from that curbcut.

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