

**Board of Zoning Adjustment Pre-Application  
Staff Report  
November 10, 2021**



<b>Case No:</b>	21-MCUP-0009
<b>Project Name:</b>	JBS Swift Hot Water Silo Replacement
<b>Location:</b>	1200 Story Avenue
<b>Owner/Applicant :</b>	JBS Swift
<b>Representative:</b>	Ashley Bartley, Qk4
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Barbara Sexton Smith
<b>Case Manager:</b>	Jon E. Crumbie, Planning & Design Coordinator

**REQUEST:**

Modification of a Conditional Use Permit

**CASE SUMMARY/BACKGROUND**

JBS Swift is replacing a hot water silo with a 330 square foot pump house.

**STAFF FINDING / RECOMMENDATION**

There are four listed requirements, and all have been met. The proposal meets the requirements of the Land Development Code and guidelines of the Comprehensive Plan.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the Land Development Code for a modification of a Conditional Use Permit to allow the replacement of the hot water silo with a pump house.

**RELATED CASES**

**20-MCUP-0015**

Modification of Condition Use Permit to allow an approximately 855 square foot addition to the main entrance guard/security building at 1200 Story Avenue and the building removal, parking and fences at 1308 Story Avenue.

December 7, 2020---Approved

**18CUP1186**

Modification of Condition Use Permit, meat packing plant, (potentially hazardous or nuisance use), for an approximately 392 square foot guard and security structure adjacent to the primary entrance off Story Avenue.

**16CUP1001**

Modification of Conditional Use Permit, meat packing plant, (potentially hazardous or nuisance use), for the addition of a 9,852 square foot CO2 stunning building.

April 18, 2016.

**14CUP1022**

Modified Conditional Use Permit to allow an existing water tank to be replaced.

August 4, 2014-----Approved.

**13CUP 1011**

Modified Conditional Use Permit to allow a proposed 162 square foot expansion to the existing stunning and bleeding building.

December 16, 2013----Approved

**B-12323-09**

Modified Conditional Use Permit to allow a 4,008 square foot unloading chute (partially completed) as an addition to the existing hog pen and a 2,185 square foot boiler room expansion.

Approved August 31, 2009

**B-14-69/ 12323-09**

A Revocation hearing of the Conditional Use Permit that allows a meat packing plant, including the slaughtering of animals and the processing, packaging and storing of meats.

November 16, 2008---Conditional Use Permit was NOT revoked.

**TECHNICAL REVIEW**

None

**INTERESTED PARTY COMMENTS**

No comments received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT**

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

STAFF: The proposal meets all applicable policies of the Comprehensive Plan.

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: When appropriately managed, the proposed use is compatible with surrounding development and land uses.

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: The subject property is served by existing public utilities and facilities. Transportation Planning and MSD have reviewed and approved the proposal.

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

### **4.2.42 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; Proposal meets applicable requirements.

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; Not applicable to this proposal.

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; Proposal has been approved by Transportation.

D. Any other evidence submitted by the applicant and any other party addressing the issues.  
None

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.

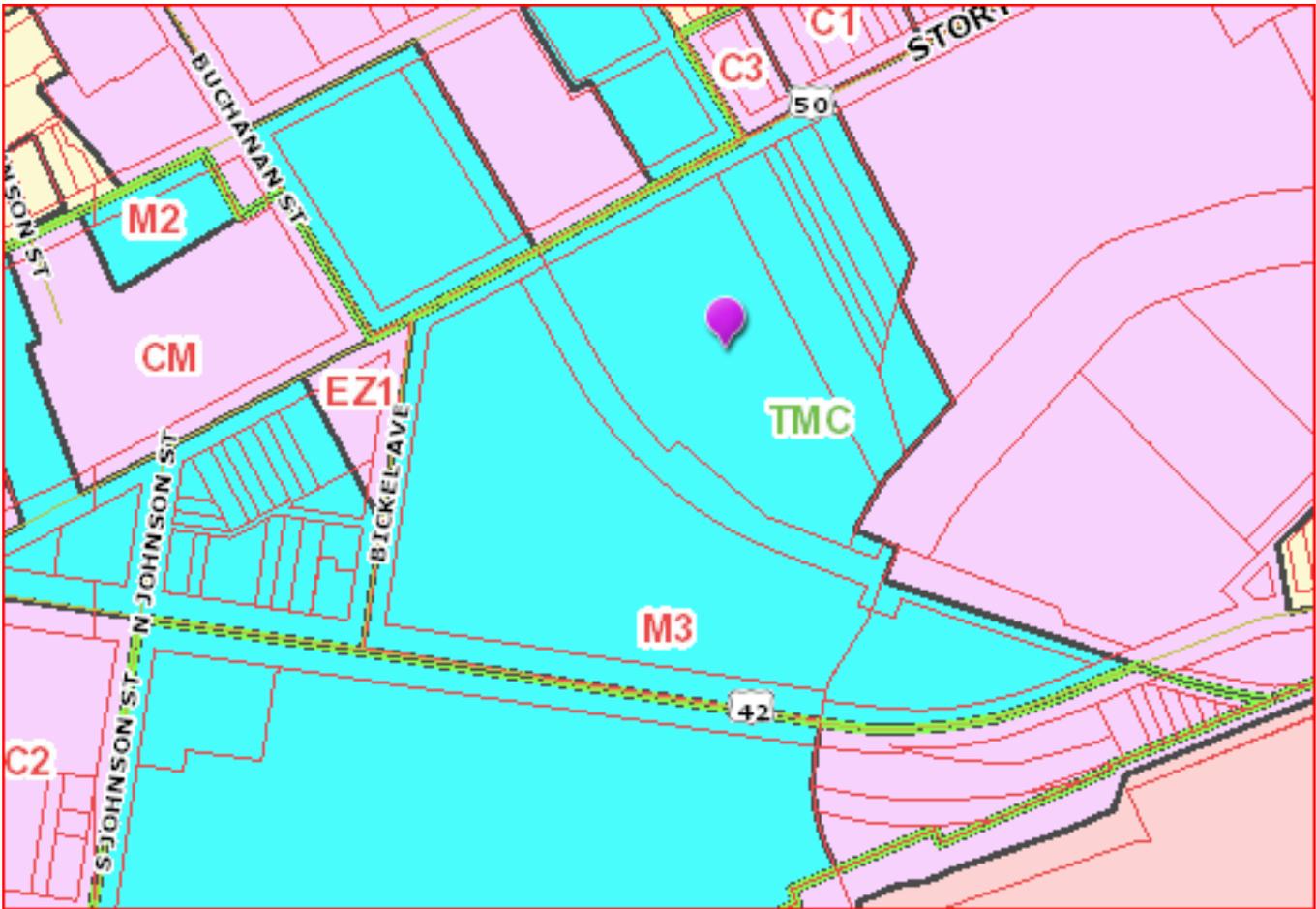
**NOTIFICATION**

Date	Purpose of Notice	Recipients
	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 4

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. 2040 Checklist
4. Conditions of Approval

**Zoning Map**



Aerial Map



**2040 Checklist**

Conditional Use Permit Checklist

- + Meet policy
- Does not meet policy
- +/- Meets/Does not meet some portion of policy

NA – Not applicable

NIS – Information needed

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
Community Form – Goal 1			
4.	Ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects.	+	Will be replacing an old hot water silo with a new improved pump house.
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	+	Setbacks and lot dimensions will not be affected.
12.	Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes.	+	Transportation Planning has reviewed and approved the proposal.

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
14.	Ensure that signs are compatible with the Form District pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials).	+	Signage is not proposed for this modification.
17.	Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	+	Transportation Planning has reviewed and approved the proposal.
18.	Mitigate adverse impacts of noise from proposed development on existing communities.	+	Proposal will follow the noise ordinance.
19.	Mitigate adverse impacts of lighting from proposed development on nearby properties, and on the night sky.	+	Lighting will be Land Development Code compliant.
Goal 2 Community Facilities			
3.	Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	+	MSD has reviewed and approved the proposal.

### **Existing Conditions of Approval**

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.
2. The modified Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the modification is not so exercised, the request becomes void.

### **Proposed Conditions of Approval**

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.
2. The modified Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the modification is not so exercised, the request becomes void.