

## MEMORANDUM



**OFFICE OF PLANNING & DESIGN SERVICES  
DEVELOP LOUISVILLE  
LOUISVILLE, KENTUCKY**

**GREG FISCHER**  
MAYOR

**YU "EMILY" LIU, AICP**  
DIRECTOR

### Introduction

In accordance with LDC Section 11.5A.1, I have determined that a review for a potential modification is necessary concerning the approved conditional use permit (CUP) for River Metals on properties with the following addresses; 2045 River Road, 2114 Metal Lane, 2110 Metal Lane, 2300 Metal Lane, 2255 Metal Lane, and 2601 River Green Circle. The conditional use for these properties is a scrap metal processing facility which is regulated by the Land Development Code under LDC Section 4.2.47. This modified CUP reviews was deemed necessary following complaints submitted to various agencies within Louisville Metro Government, including the Office of Planning and Design Services (PDS). These complaints are based on noise from explosions that take place from time to time on the property based on the nature of the use and the types of metal objects being processed. Condition of approval number 3 placed on the CUP at the June 18, 2012 Board of Zoning Adjustment (BOZA) public hearing states:

*If adjacent property owners or lessees of property owners or any other persons affected by the explosions in the area believes the number of explosions to be excessive, they can request BOZA to hold a public hearing; a public hearing shall then be scheduled, and the Board shall determine from the evidence whether the sound barrier wall must be constructed.*

Based on the complaints received requesting a public hearing be held to discuss the noise and number of explosions I am initiating this CUP modification to provide BOZA with additional options as part of its review process.

### History

The properties in question are located within the W-3 waterfront zoning district. A CUP for a scrap metal processing facility was approved by BOZA in 1997. As part of that initial approval a sound barrier was to be constructed. In 2011, River Metals requested a modified CUP requesting relief from the condition requiring a sound barrier be constructed. After two public hearings on the case the BOZA approved the modified CUP on June 18, 2012 with the three additional conditions of approval listed below:

1. *The Applicant/Owner shall implement the Combustion Incident Reduction Plan ("CIRP") last revised on 8/31/10.*
2. *The requirement to build a sound barrier wall at this time shall be suspended indefinitely as long as the explosions are kept to a minimum level satisfactory to the Louisville Metro Board of Zoning Adjustment ("BOZA").*

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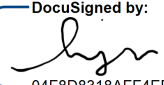
- If adjacent property owners or lessees of property owners or any other persons affected by the explosions in the area believes the number of explosions to be excessive, they can request BOZA to hold a public hearing; a public hearing shall then be scheduled, and the Board shall determine from the evidence whether the sound barrier wall must be constructed.*

Based on information from the attorney for River Metals, a sound barrier was constructed sometime around 2017. The BOZA did not review a modified CUP for the wall design and construction on the site. In addition, over the past year complaints have been submitted to multiple Metro agencies including but not limited to the Metro Council person for District 9 and PDS. The last series of complaints submitted to PDS requested a public hearing be held in accordance with condition number 3.

### **Conclusion**

The public hearing in accordance with condition of approval number three is set for February 21, 2022 to hear from affected property owners and other citizens. As mentioned previously, I am initiating the review as a modified CUP to provide the BOZA with sufficient options to address the complaints and to review the noise barrier constructed on the property without prior approval from the Board.

Regards,

DocuSigned by:  
  
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Emily Liu  
Director

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