

# Board of Zoning Adjustment Staff Report

April 6, 2015



<b>Case No:</b>	15CUP1001
<b>Project Name:</b>	Landfill CUP Modifications
<b>Location:</b>	2673 Outer Loop
<b>Owner:</b>	Waste Management of Kentucky, by Marie Burnett, District Manager
<b>Representative:</b>	Glenn Price, Attorney
<b>Project Area/Size:</b>	782.60 acres
<b>Existing Zoning District:</b>	M-3
<b>Existing Form District:</b>	Suburban Workplace
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	13 – Vicki Aubrey Welch
<b>Case Manager:</b>	Steve Hendrix, Planning Supervisor

## REQUEST

Modification of a Conditional Use Permit (landfill) to allow:

- 4.2.50 Solid Waste Management Facilities #2. Construction/Demolition Debris Facilities to allow grinding of asphalt shingles
- 4.2.50 Solid Waste Management Facilities #4. Outdoor Recycling Facilities (metals, cardboard, wood, aggregate and other materials).

## CASE SUMMARY/BACKGROUND

The primary purpose of the modifications is to update the landfill's permit to reflect an expanded beneficial reuse program that conforms to new language contained in the revised Land Development Code.

Waste Management is seeking to expand the beneficial reuse program at the landfill facility by diverting materials that may include treated wood waste, fiber, certain plastics, and/or asphalt shingles from direct disposal to the beneficial reuse. Instead of burying these materials in the landfill, these materials will be sorted, segregated, and reused onsite or transported off-site to existing recycling markets

The Conditional Use Permit for the landfill was granted in B-28-85.

## SITE CONTEXT

The landfill has the existing infrastructure and will be able to locate the asphalt shingle grinding use and the outdoor recycling facility on the 782 acre site and still be buffered. Wetlands are located at the front of the property along Outer Loop and along most of the property along Interstate 65. Similar industrial uses such as recycling are found along Grade Lane to the west and north along Walters Lane. Further north is the Ford Motor Company plant.

A completed noise study found that the grinding equipment situated in the northeast portion of the property had no impact on the surrounding properties.

The applicants held a neighborhood meeting on November 18, 2014, there were no objections to the proposals.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Landfill	M-3	Suburban Workplace
<b>Proposed</b>	Landfill with recycling /grinder	M-3	SW
<b>Surrounding Properties</b>			
<b>North</b>	Recycling, auto salvaging, Northern Ditch, Railroad, Ford plant	M-3, EZ-1	SW
<b>South</b>	LG&E substation, Hunt Transportation, R/V Sales, Outer Loop, Louisville Renaissance, Landscaping Operation	M-3, EZ-1	SW
<b>East</b>	I-65		
<b>West</b>	Grade Lane, CSX Transportation, Farm Supplies, Recycling Operations	EZ-1	SW

### PREVIOUS CASES ON SITE

#### **February 2, 2015**

14CUP1049 – The Board approved in Business Session, the Modified Conditional Use Permit to add 20 compressed natural gas time fill refueling stations, add equipment to the existing equipment compound and to delineate 27 existing parking stalls as future refueling stations.

#### **October 6, 2011**

B-16307-11 – The Board approved the Modified Conditional Use Permit to allow a proposed compressed natural gas time fill refueling station.

#### **August 7, 1997.**

9-39-97CLW -- Change in zoning from C-2 Commercial, EZ-1, Enterprise Zone and M-2 Industrial to M-3 Industrial and a related Conditional Use Permit for a landfill and a Landscape Waiver for the required landscape material on property located at 2673 Outer Loop, 782.6 acres.

#### **February 21, 1994**

B-9-94 -- An application for a Conditional Use Permit to allow a borrow pit operation.

#### **October 2, 1989**

B- 176-89 -- An application for a Conditional Use Permit for a borrow pit.

#### **April 1, 1985**

B-28-85 – An application for a Conditional Use Permit for the consolidation and expansion of an existing sanitary landfill.

#### **October 14, 1974**

B-83-74 – An application for a Conditional Use Permit for a borrow pit and earth excavation operation.

## INTERESTED PARTY COMMENTS

None

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMITS

### 1. Are the proposals consistent with the applicable policies of the Comprehensive Plan?

STAFF: Yes, the proposals meet all applicable policies of the Comprehensive Plan.

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

STAFF: Yes, surrounding land uses include recycling, auto salvaging, the Ford Plant, and LG&E substation, a landscaping operation and CSX Transportation.

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

STAFF: Yes, the proposed uses of construction /demolition debris facility and an outdoor recycling facility will become part of the overall operation of the existing landfill, which has the necessary public facilities.

### 4. Do the proposals comply with the following specific standards required to obtain the conditional use permit requested?

Yes, both proposals meet the specific standards.

#### **4.2.50 Solid Waste Management Facilities**

Solid Waste Management Facilities, including composting facilities, construction/demolition debris facilities, firewood production and sales, indoor recycling facilities, outdoor recycling facilities, and solid waste transfer stations may be permitted subject to the conditions and in the zoning districts listed in the following sub-sections. In addition, the following conditions apply to all of these types of facilities:

- A.** All of the facilities referenced in this sub-section 4.2.46 are required to have a license to operate from the Jefferson County Waste Management District (SWR 20.0).
- B.** A specific written or site plan for vehicle cleaning facilities to prevent the tracking of mud, dirt or other debris onto any public roadway shall be reviewed and approved by the Director of Works before public hearing.
- C.** A continuous fence a minimum of 6 feet high shall be placed along the boundaries of all work and

storage areas and provided with gates of the same construction as the fence which shall remain locked operations are completed.

- D. When adjoining any residential zoning district, the facility may not be operated on Sunday or earlier than 7:00 a.m. or later than 6:00 p.m. on any other day.
- E. In addition to these conditions, the following conditions apply to the respective category.

**2. Construction/Demolition Debris Facilities** shall be located in the R-1, M-2, M-3, and EZ-1 Districts upon the granting of a Conditional Use Permit when developed in compliance with the following conditions.

All construction/demolition debris facilities must demonstrate compliance with the applicable Jefferson County Waste Management District regulations (SWR 63.0, Construction/demolition Debris Facilities).

- a. All work and storage areas shall be at least 100 feet from the exterior property lines. If there are any abutting residentially zoned or used parcels then all work and storage areas shall be at least 200 feet from the exterior property line.
- b. Grinding or other heavy machinery associated with operations located within one-half mile of residentially used or zoned property shall provide information on sound levels resulting from operation of said equipment, and hours of operation. The Board may establish conditions necessary to protect nearby residents.

**4. Outdoor Recycling Facilities** (not constituting Scrap Metal Processing Facilities or Junkyards as defined in the Jefferson County Code of Ordinances) may be allowed in the M-3 Districts upon the granting of a Conditional Use Permit when developed in compliance with the following requirements:

- a. Outdoor recycling facilities located within one-half mile of residentially used or zoned property shall provide information on sound levels and hours of operation. The Board may establish conditions necessary to protect nearby residents.
- b. All outdoor recycling work and storage areas shall be at least 100 feet from the exterior property lines. If there are any abutting residentially zoned or used parcels then all work and storage areas shall be at least 200 feet from the exterior property line.
- c. Landscaping shall be placed between the exterior property lines and all outdoor recycling work and storage areas as described in Chapter 10.
- d. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or light to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site. Any smoldering flame or spontaneous combustion shall be immediately extinguished.

#### **TECHNICAL REVIEW**

There are no outstanding technical review issues.

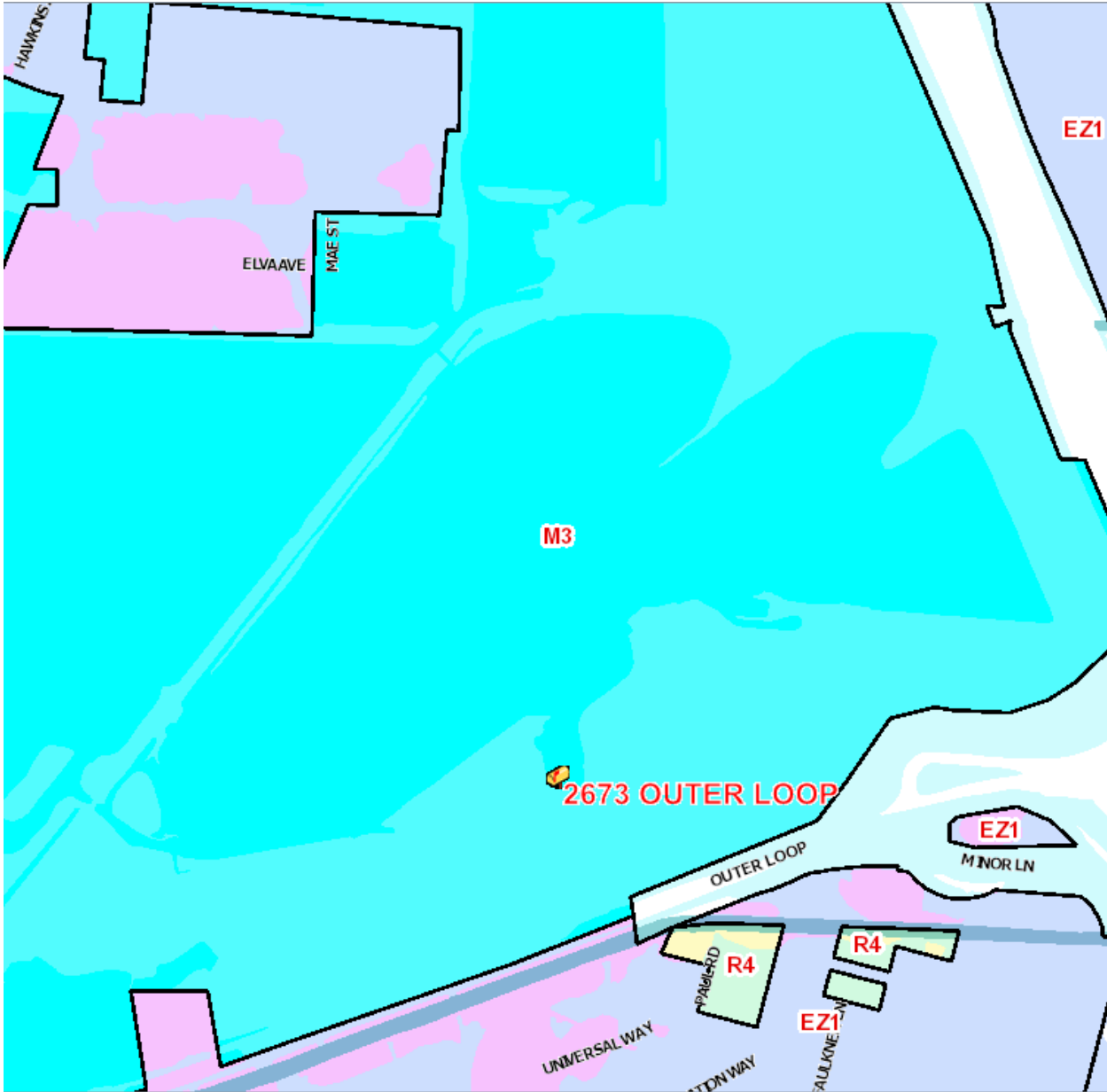
#### **STAFF CONCLUSIONS**

Both of the proposals are consistent with the applicable goals, objectives, guidelines, and policies of the Comprehensive Plan and the requirements of the Land Development Code. Approvals will allow the landfill beneficial reuse activities and to update the facility's existing permit that conforms to new language in the Land Development Code.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, BOZA must determine if the proposals meet the standards for granting the Conditional Use Permit modifications as established in the LDC.

## ATTACHMENTS

### Zoning Map



## 2. Aerial Photograph

