

Board of Zoning Adjustment

Staff Report

August 5, 2019



Case No:	19-MCUP-0001
Project Name:	West Security Office
Location:	1100 Story Avenue
Owner/Applicant :	JBS Swift
Jurisdiction:	Louisville Metro
Council District:	#4 – Barbara Sexton Smith
Case Manager:	Steve Hendrix, Planning & Design Coordinator

REQUEST:

Modification of a Conditional Use Permit to allow a new 64 square foot security structure in the west employee parking lot adjacent to North Bickel Avenue.

CASE SUMMARY/BACKGROUND

The new pre-fabricated building will be placed approximately 90 feet from North Bickel Avenue in the west parking lot.

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 a 64 square foot guard office.

RELATED CASES

18CUP1186

Modification of Conditional Use Permit, meat packing plant, (potentially hazardous or nuisance use), to allow a new 392 square foot guard and security structure adjacent to the primary entrance off Story Avenue. Approved March 4, 2019.

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 is consistent with the applicable policies of the Comprehensive Plan, since the modification is minor.

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: The proposal is compatible with the surrounding land uses and the general character of the area, since the structure will be within the existing parking and approximately 90 feet from North Bickel Avenue.

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: Transportation Planning and MSD approval shall be obtained.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested? Yes, proposal is for a 64 square foot security office in the west parking lot.

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;

Transportation and MSD approval shall be obtained.

D. Any other evidence submitted by the applicant and any other party addressing the issues.

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
07/29/2019	August 5, 2019 Hearing	GovDelivery Subscriber's List

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Comprehensive Plan
4. Conditions of Approval
5. Site Plans
6. Picture

Zoning Map



Aerial Map



PLAN 2040 CHECKLIST

- + Meets policy
- Does not meet policy
- +/- Meets/does not meet some portion of policy
- NA Not applicable
- INS Addl information needed

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
Community Form: Goal 1			
2.1	Evaluate the appropriateness of a land development proposal in the context of: 2.1.1. the description, character and function of the Form District designated for the area in which the subject site is located; 2.1.2. the intensity and density of the proposed land use or mixture of land uses; 2.1.3. the effect of the proposed development on the movement of people and goods; and 2.1.4. the compatibility of the proposed use or uses with surrounding uses including the relationship of the use, mass, scale, height, materials, building footprint, orientation, setback and design of the proposed building or buildings with that of surrounding buildings.	+	64 square foot pre-fabricated security building
3.1.7	Traditional Marketplace Corridor (1.3.1.7, page 43)		
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.	+	Pre-fabricated 64 square foot building in west parking lot adjacent to North Bickel Avenue
21.	Require that industries which handle hazardous or flammable materials or are potentially offensive such as junkyards, landfills and quarries are sited to protect public health, safety and welfare and are located away from residential areas and population centers.	+	Existing meat packing plant, 64 square foot security office in west parking lot adjacent to North Bickel Avenue, white privacy fence is existing
Community Form: Goal 4			
1.	Preserve buildings, sites, districts and landscapes recognized as having historic or architectural value. Ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources.	+	

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.



