

Board of Zoning Adjustment

Staff Report

July 6, 2020



Case No.	20-MCUP-0004
Project Name	Solid Waste Management Facility
Location	2673 Outer Loop
Owner/Applicant	Waste Management of Kentucky
Attorney	Greg Ehrhard, Stites and Harbison PLLC
Jurisdiction	Louisville Metro
Council District	13 – Mark Fox
Case Manager	Steve Hendrix, Planning & Design Coordinator

REQUEST

Modification of a Conditional Use Permit, B-28-85, for Earth Excavation, Filling, and Refuse Disposal Operations, Major (LDC 4.2.22)

Relief from listed requirement limiting all deliveries of materials, filling, spreading, compacting and grading on the site to weekdays between 7:00 A.M. and 6:00 P.M. (LDC 4.2.22. F.1.c.xi.), initial requirement.

CASE SUMMARY/BACKGROUND

The current hours of operation vary for the different types of activities, such as the on-site operations, waste being brought from the outside and the gas plant operations. Current hours for the on-site operation are 4:00 am until 10:00 pm, Mondays through Saturdays. The operating hours for waste being brought to the site from the outside the facility are Monday through Friday, 5:30 am to 5:00 pm and Saturdays 6:00 am to 12:00 pm. The gas to energy plant does not have restricted hours of operations. The proposed modification would clarify that the plant is permitted to operate on a 24/7 basis.

The request is to allow activities to be conducted 24 hours per day, 7 days per week for construction and maintenance, operation of the gas plant and to accommodate dedicated customers and special events.

The property has a zoning classification of M-3 within a Suburban Workplace Form District.

The applicant is required to continue to meet adopted Environmental Performance Standards (LDC 4.2.22.B.).

The balance of the original CUP application is to remain as previously approved.

STAFF FINDING

The request is necessary for construction and maintenance, operation of the gas plant and to accommodate dedicated customers and special events. Some of the special events are anticipated such as the Kentucky State Fair and Derby weekend, but others such as debris cleanup following a flood are not. The new days and hours of operation would eliminate such obstacles.

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 for granting a Conditional Use Permit as established by the Land Development Code.

TECHNICAL REVIEW

No technical issues.

PREVIOUS AND ASSOCIATED CASES ON SITE

19CUP1059 Modification of B-28-85 for the completion of the project, by allowing the operation to be 24 hours a day, seven days a week for a period of 90 days.

17CUP1004 Modification of the existing CUP to permit collected gas to a new building for conversion to natural-gas-pipeline quality gas. This gas will be sold to a transmission-level pipeline owner through a connection to an existing underground on-site transmission line, allowing it to be re-used rather than flared off.

16CUP1003 Landfill Conditional Use Permit modification to relocate an existing maintenance building to allow for the next phase of waste stockpiling. The existing building will be demolished. Staff approved in February 2016.

16DEVPLAN1026 Landfill Conditional Use Permit modification to allow an existing maintenance building to be torn down and moved to a different location to allow for the next phase of waste stockpiling. Staff approved in February 2016.

15CUP1001 Landfill Conditional Use Permit modifications to construct Solid Waste Management Facility #2, a construction/demolition debris facility with grinding of asphalt shingles, and to construct Solid Waste Management Facility #4, an outdoor recycling facility (metals, cardboard, wood, etc.) in a M-3 zoning district. BOZA approved in April 2015.

14CUP1049 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. BOZA approved in February 2015.

B-16307-11 Modified Conditional Use Permit to allow a proposed compressed natural gas time fill refueling station. BOZA approved in October 2011.

9-39-97CLW Change in zoning from C-2 Commercial, EZ-1, Enterprise Zone and M-2 Industrial to M-3 Industrial, 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. Planning Commission approved in August 1997.

B-9-94 Conditional Use Permit to allow a borrow pit operation. BOZA approved in February 1994.

B- 176-89 Conditional Use Permit for a borrow pit. This request included a modification of the normal hours of operation. BOZA approved in October 198

B-28-85 Conditional Use Permit for the consolidation and expansion of an existing sanitary landfill. BOZA approved in April 1985.

B-83-74 Conditional Use Permit for a borrow pit and earth excavation operation. BOZA approved in October 1974.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

STAFF: The proposed modification is consistent with the Comprehensive Plan.

2. Is the proposal 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 and appearance?

STAFF: The proposed modification is compatible with surrounding uses and with the general character of the area.

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 proposed development is consistent with expectations for the property and does not substantially increase demands on public infrastructure and facilities. The proposed modification has received preliminary approval from MSD and Transportation Planning.

4. Does the proposal comply with the specific standards required to obtain the requested Conditional Use Permit?

4.2.22 Earth Excavation, Filling, and Refuse Disposal Operations, Major

Excavation, Filling, and Refuse Disposal Operations, Major may be allowed in R-R, R-1, M-2 and M-3 Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. Defined - Any operation which involves a change in the existing ground surface, except (1) grading and shaping of land around a building or structure and except (2) minor earth excavations not constituting a quarry, borrow pit, or commercial operation and/or filling of land with non-combustible, inorganic materials (See Section 4.2.23) shall be subject to the following regulations. Such uses include but are not limited to the following:

1. Extraction and development of earth products, mineral and other natural resources, including sand, gravel pits, quarries, and borrow pits.
2. Landfills for non-combustible materials.
3. Incinerators, public/private.
4. Any other landfills (except for hazardous material).
5. Commercial composting.

STAFF: The request is associated with use A.4.

B. Other Standards - The proposed operation shall meet all requirements of the adopted Environmental Performance Standards.

STAFF: The request will continue to meet adopted Environmental Performance Standards.

C. Neighborhood Protection - The operation shall be conducted in such a manner as to offer protection to the neighborhood against possible detrimental effects, taking into consideration the physical relationship to surrounding properties and access to the site including any nearby local (residential) streets.

STAFF: The request does not appear to create any lasting negative effects on the surrounding area, and the nearest residences are located approximately 0.4 miles to the east, across I-65, and 0.9 miles to the west, off Toll Avenue.

D. Information to be Filed:

1. Drawings - A plan drawn at a scale of not less than 100 feet to the inch showing the following:

- a. Boundaries - The exact boundaries of the site and access to public ways.
- b. Use of Land - Present and proposed use of land, the arrangement, fully dimensioned, of all existing and proposed buildings, structures, roads, drives, parking areas, loading spaces, water, sewer, power, and other utility lines, sanitary facilities, surface drainage, landscaping, fencing, and all other features and facilities to be installed or used in connection with the proposed operation.
- c. Contours - Show by contours of not less than 2 foot intervals (except on extremely steep slopes):
 - i. The present surface of the site and the surrounding properties within 50 feet from its boundaries by the use of dashed contours.
 - ii. The ultimate depth elevations of the area to be excavated or filled by the use of dot and dash contours.
 - iii. The ultimate finished surface of the site after all excavation and filling operations are completed by the use of solid line contours.
 - iv. If the ultimate finished surface elevation is exactly the same as the ultimate depth elevation, solid line contours alone may be used but must be so labeled in the plan legend.
- d. Excavation Methods - Cross sections at critical points to illustrate the methods to be employed in the process of excavation and fill.
- e. Sequence of Operations - Locations where excavation and filling operations will commence and the procedural sequence of operations.
- f. Surface Drainage - Methods to be employed for the management of quantity and quality of surface drainage during and after completion of operations.
- g. Volumes - The volumes of materials to be excavated and filled for each location on the site where operations are to take place.
- h. Off-Site Improvements - Improvements such as new roads and pavement to be installed off the site to enable the operation to be carried out.
- i. Adjoining Property Owners - The plan shall show the names and addresses of the owners of the site and all adjoining properties, the name and address of the engineer who prepared the plan, scale, north point, the geographical relationship of the site to existing public ways and major or minor arterials as designated in the Comprehensive Plan for all of Jefferson County, Kentucky.

STAFF: This information was filed with the previously approved CUP request and is not required for consideration of this request.

E. General Standards:

1. No excavation nor filling shall be made within 50 feet of any boundary of the site.
2. Side slopes of excavation and fills in earth, sand or gravel shall not exceed one foot vertical to two feet horizontal and shall be blended into undisturbed existing surfaces.
3. A continuous fence a minimum of 6 feet high shall be placed along the boundaries of excavated areas and provided with gates of the same construction as the fence which shall remain locked at all times when active operations are not taking place and shall be properly maintained until all operations are completed.
4. Additional landscaping is required in the buffer areas between excavation and fill areas and buildings and structures.
5. Provisions shall be made for the disposal of surface water falling on or crossing the site at all times during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain or abrogate the riparian rights of any other party to a stream or drain. No operation shall begin until construction approval has been approved from the agency responsible for surface water drainage.
6. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality, or purity of ground water or wells. In no case shall an excavation be carried to a depth below an elevation of 410 feet above mean sea level.
7. A layer of clean earth at least two feet thick shall be deposited and thoroughly compacted over all fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application.
8. The finished surface of the site shall bear the proper relationship to that of adjoining properties.
9. The installation of roads, parking areas, buildings, structures, and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.
10. Excavation and fill materials shall be moved off and onto the site in vehicles approved by the appropriate Director of Works.
11. All filling operations and final approval shall be in strict conformity with the regulations of the Louisville and Jefferson County Board of Health; Air Pollution Control District; Kentucky Department for Environmental Protection and the appropriate Director of Works. Letters or Certificates of Approval of the plans by the above agencies indicating prior review shall be filed prior to the issuance of any Conditional Use Permit. Uses shall not begin until final approval has been obtained and filed in the Board of Zoning Adjustment docket file.
12. 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 except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or other method that meets current state standards. No fires shall be permitted. Any smoldering flame or spontaneous combustion shall be immediately extinguished.
13. In no event will the premises be used for salvage operations of any kind. No separation or picking of waste materials will be permitted. All unacceptable fill materials as noted elsewhere in this section shall be removed from the premises immediately after delivery.
14. Except for protective fences, no building or structure erected in connection with the operation shall be located in any required yard or closer than 30 feet from any property line.
15. 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 appropriate Director of Works before public hearing.

16. No materials defined as hazardous by these regulations, by the Kentucky Cabinet for Natural Resources and Environmental Protection or Federal Environmental Protection Agency will be allowed as fill.

STAFF: This request will continue to meet these requirements.

F. Standards for Specific Operations:

1. In addition to the general standards listed above, the following additional standards shall apply to:

a. Landfills for non-combustible material:

- i. Fill material shall be limited to inorganic materials and other substances not subject to decomposition, combustion, or the production of odors.
- ii. Materials shall be spread and thoroughly compacted as they are deposited.

STAFF: Will continue to be met.

b. Incinerators, public and private:

- i. No incinerator building or structure shall be located closer than 200 feet from any site boundary line, and no other building or structure used in connection with the operation shall be located closer than 30 feet from any site boundary line.
- ii. The entire site shall be enclosed with fencing and gates as required by this Section.
- iii. All materials delivered to the site which are organic or of organic origin or other combustible materials such as paper, cardboard, rubber, plastic, wood fiber, sawdust, floor sweepings, plasterboard, framing, lumber, laths, tree stumps, trunks, branches, foliage, furniture, rags, garbage, and industrial wastes and including metal and glass containers shall be burned in the incinerator.
- iv. All residue resulting from the burning operations and other fill materials which are inorganic or substances which are not subject to decomposition, combustion, or the production of odors shall be disposed of properly.
- v. All materials which are to be burned shall be placed on or in a concrete slab or hopper enclosed by a building, masonry walls, or chain link type fencing at least 6 feet high provided with doors or gates which shall be securely locked when the incinerator is not in operation. The materials shall be transferred from the slab or hopper into the incinerator and shall be burned as soon as practicable. The slab or hopper shall be kept clear of all materials when not in active use.
- vi. There shall be no separation or picking of materials or storage for salvage thereof on the site (scavenging).
- vii. All deliveries of materials to the site, shall be done between the hours of 7:00 A.M. and 6:00 P.M. on weekdays only, except otherwise necessitated by extraordinary circumstances.
- viii. A watchman shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.
- ix. Sanitary toilet facilities shall be provided on the site in accordance with the requirements of the Department of Health.

STAFF: Operations at this site do not fall under this category.

c. Any other landfills (except hazardous materials):

- i. No building or structure, except fencing, used in connection with the operation shall be located closer than 30 feet to any site boundary line.
- ii. All plans shall show all pipelines used for gas collection, migration, etc. as well as the location of vents, flares, etc.
- iii. The entire site shall be enclosed with fencing and gates as required by this Section.

iv. All materials delivered to the site which are organic in origin and all paper, cardboard, plastic, metal and glass containers, wood fiber, sawdust, floor sweepings, plaster board, framing lumber, laths, tree stumps, trunks, branches, foliage, furniture, rags, garbage, and industrial wastes shall be deposited and thoroughly compacted in layers not to exceed two feet in depth. Rubber tires, dead animals, and by-product wastes of a gaseous, liquid, or semi-liquid nature such as tar, paints, solvents, sludge, rubber, and plastics and other flame or fume producers may be permitted as fill material after the Kentucky Natural Resources and Environmental Protection Cabinet issues permission, unless specifically prohibited by the Board of Zoning Adjustment. Each day's deposit, after compaction, shall be covered with a layer of earth at least 6 inches in thickness after compaction. The face of the fill as well as the horizontal surface shall be covered with a layer of earth to prevent any movement of fill by wind or water erosion. Alternative methods may be allowed if approved by the Kentucky Natural Resources and Environmental Protection Cabinet and the Board.

v. There shall be no separation or picking of materials or storage for the salvage thereof (scavenging) on the site. All unacceptable fill materials as noted above shall be removed from the premises immediately after delivery.

vi. Water lines shall be installed, connected to a public water supply, or to some other source, which by use of pumps will provide water in sufficient quantity to combat fires or settle dust.

vii. Sanitary toilet facilities shall be installed in accordance with the requirements of the Department of Health.

viii. No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.

ix. A watchman shall be stationed at the site at all times for whom a suitable shelter or living quarters and sanitary facilities shall be provided on the site.

x. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or some other method that meets current state standards.

xi. All deliveries of materials to the site, filling, spreading, compacting, and grading shall be done between the hours of 7:00 A.M. and 6:00 P.M. on weekdays only. (Initial requirement)

xii. Filling operations shall begin immediately upon the issuance of a permit. All areas shall be refilled to finish grades as shown on the topographic map filed with the application within a period of five years after commencement of operations. The Board may extend such time limit after a public hearing, but in any event all excavations on the site shall be refilled to finish grade within 10 years after commencement of operations.

xiii. No filling activities shall occur within 200 feet of a residential structure existing at the time of issuance of the Conditional Use Permit.

STAFF: The applicant is requesting relief from Requirement xi, to allow a 24 hour operation, 7 days a week.

d. Borrow pits and Earth Excavations:

i. No building or structure, except fencing, used in connection with the operation shall be located closer than 30 feet from any site boundary line.

ii. Areas where excavations have been made and are taking place shall be enclosed with fencing as required above.

iii. Sanitary toilet facilities shall be installed in accordance with the requirements of the Department of Health.

- iv. A watchman shall be stationed at the site at all times when active operations are taking place for whom a suitable shelter or living quarters and sanitary facilities shall be provided on the site.
- v. No excavation, screening, stockpiling, filling or hauling shall be done except between the hours of 7:00 A.M. and 6:00 P.M. on weekdays.
- vi. Re-filling operations as required shall begin immediately on areas when excavations have been made to the ultimate depth and such areas shall be refilled to finish grade as shown on the topographic map filed with the application within a period of five years after commencement of excavation operations. The Board may extend such time limit after a hearing, but in any event all excavations on the site shall be refilled to finish grade within 10 years after commencement of operations.

STAFF: Operations at this site do not fall under this category.

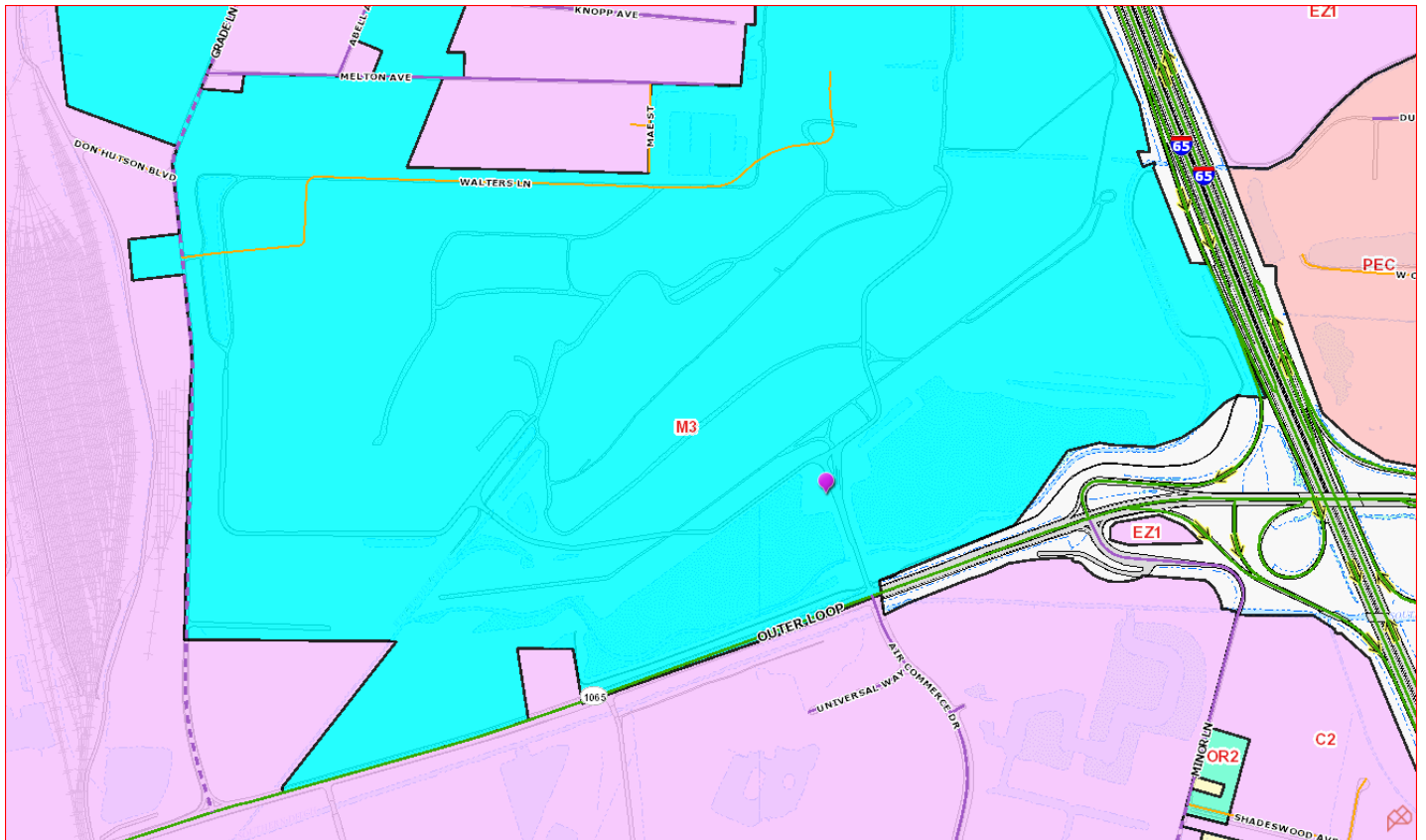
G. Guarantee:

To insure the strict compliance with all of the above conditions and requirements, the applicant shall deposit with the Board a bond through an instrument satisfactory to the Board. The amount of the instrument shall be 150% of the estimate for remediation obtained from a qualified engineer licensed in the Commonwealth of Kentucky. Previously met.

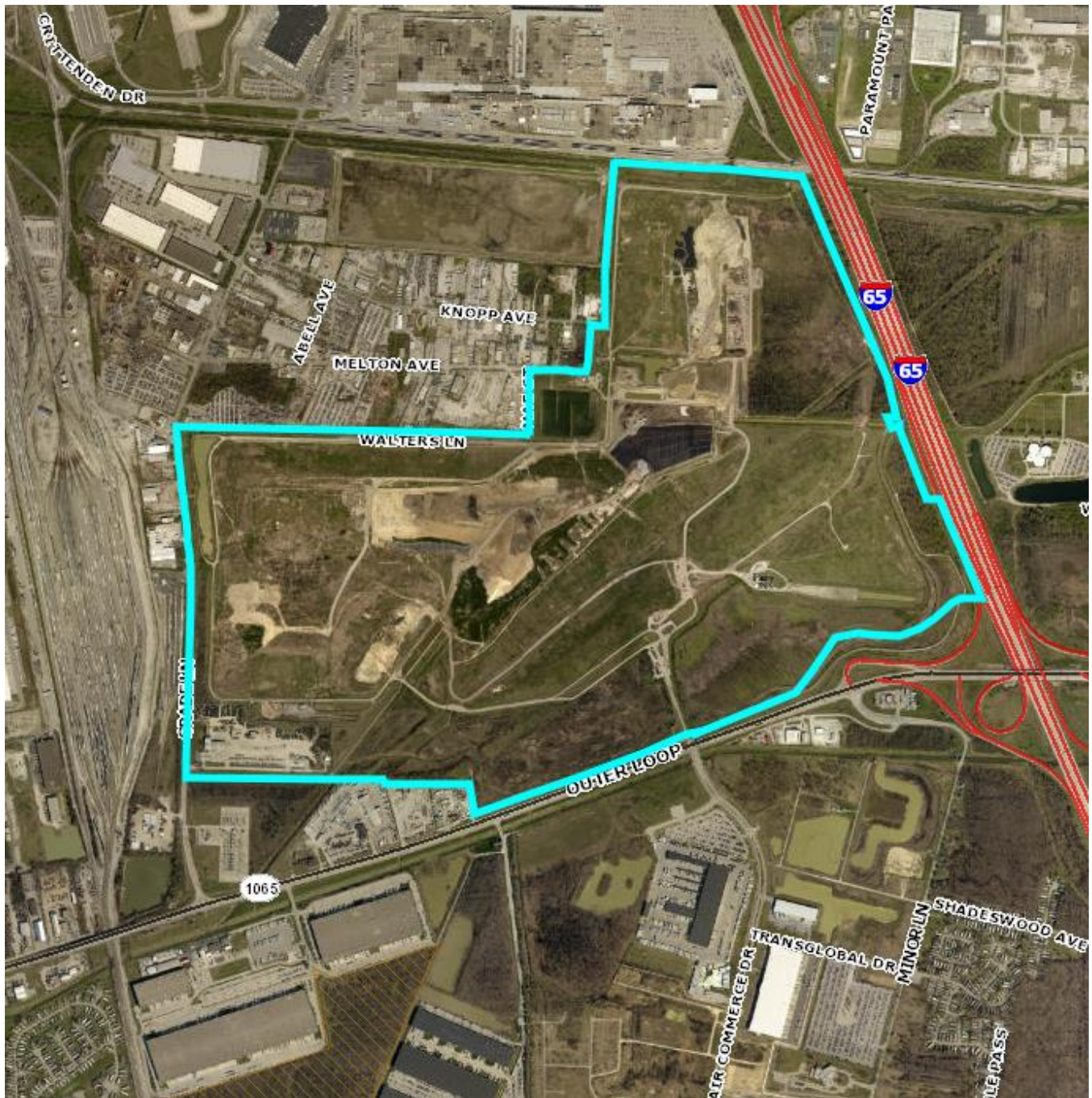
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



Conditions of Approval for Consolidation and Expansion of Landfill (B-28-85)

The Board does hereby WAIVE Section IV, D., 27., Items b.; b., (3); c., (1); d., (1), ©, xi.; and item d., reviewed at 5 year intervals, however, no public hearing shall be required on the occasion of each 5 year review unless requested by the Zoning Enforcement Officer.

1. The landfill shall be operated in strict compliance with all applicable listed requirements of section IV, D., 27 of the Zoning district Regulations, unless a specific waiver of the requirement has been granted by the Board of Zoning Adjustment.
2. The landfill shall be operated in strict compliance with the approved site development plan and the Environmental Impact Report and Operating Plan submitted by the applicant. The November, 1984, Environmental Impact Report and Operating Plan shall be considered a part of the approved site development plan.
3. The landfill shall be operated in strict compliance with all applicable Federal, State, and local regulations applicable to any portion of the operation.
4. All drainage improvements and the operation of the landfill shall be in conformance with all conditions of approval by the Jefferson County Public Works and Transportation Cabinet Water Management Engineering Section and the Louisville District Army Corps of Engineers.
- 5a. SCA Services shall maintain all perimeter ditches and sedimentation basins. This maintenance shall be performed annually or within 30 days of written notice from the Jefferson County Department of Public Works and Transportation.
- b. SCA Services shall provide construction plans for and construct a five foot wide flat bottom ditch in the 60' right-of-way north of the Grade Lane tract at such time as the right-of-way is converted to provide use for drainage purposes. Additionally, SCA Services shall remove overfill from adjoining tracts where permission of effected property owners is obtainable.
- c. SCA Services provide construction plans and construct a perimeter ditch parallel with the south property line of the Grade Lane tract. This perimeter ditch shall be installed only if the Grade Lane tract is creating a drainage problem for the adjacent property to the south. The construction of this ditch shall be completed within ninety days of written notice from the Jefferson County Department of Public works and Transportation.
6. No fill materials shall be accepted which are classified as hazardous or toxic waste.

The applicant is required to continue to meet all other requirements of the existing Conditional Use Permit related to landfill operations.

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	<p>Evaluate the appropriateness of a land development proposal in the context of:</p> <p>2.1.1. the description, character and function of the Form District designated for the area in which the subject site is located;</p> <p>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.</p>	+	The modification involves the extension of the hours of operation.
2.4	Plans, studies and strategies legislatively developed subsequent to the adoption of Plan 2040 supplement and represent the specific application of Plan 2040 goals, objectives and policies. Specific recommendations found in plans and strategies adopted after Plan 2040 are intended to take precedence over more general guidelines of the Comprehensive Plan.	NA	
2.5	Plans, studies and strategies adopted subsequent to Cornerstone 2020 but prior to Plan 2040 may continue to represent specific application of Plan 2040. The Planning Director or their designee shall make a formal determination in cases where the plan has not been re-adopted by the affected legislative body.	NA	
2.6	Plans, studies and strategies adopted prior to the adoption of Cornerstone 2020 shall not be used as official policy until such plans are updated and re-adopted. However, such plans, studies and strategies may be used for planning evidence if no update has been completed or adopted.	NA	
3.1.1	Downtown (1.3.1.1, page 40)		
3.1.2	Traditional Neighborhood (1.3.1.2, page 40-41)		
3.1.3	Neighborhood (1.3.1.3, page 41)		
3.1.4	Village (1.3.1.4, page 41-42)		
3.1.5	Town Center (1.3.1.5, page 42)		
3.1.6	Regional Centers (1.3.1.6, page 42-43)		
3.1.7	Traditional Marketplace Corridor (1.3.1.7, page 43)		
3.1.8	Suburban Marketplace Corridors (1.3.1.8, page 43-44)		
3.1.9	Traditional Workplace (1.3.1.9, page 44)		
3.1.10	Suburban Workplace (1.3.1.10, page 44)	+	
3.1.11	Campus (1.3.1.11, page 44)		

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
3.1.12	Urban Center Neighborhood (1.3.1.10, page 44-45)		
3.1.13	Conservation (3.1.13, page 45)		
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.		
5.	Allow a mixture of densities as long as their designs are compatible. Adjacent residential areas in different density categories may require actions to provide an appropriate transition between the areas. Examples include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	NA	
6.	Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential.	NA	
7.	Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.	NA	
8.	Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites.	+	
9.	Ensure an appropriate transition between uses substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.	+	Existing transitions exist.
10.	Mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Residential uses that develop adjacent to agricultural land uses may be required to provide screening and buffering to protect both the farmer and homeowners.	NA	
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	NA	

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
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.	NA	
13.	Integrate parking garage facilities into their surroundings and provide an active, inviting street-level appearance.	NA	
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).	NA	
15.	When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted.	+	Existing landfill
16.	Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected.	+	Existing landfill
17.	Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	NA	
18.	Mitigate adverse impacts of noise from proposed development on existing communities.	+	Residential uses are not close.
19.	Mitigate adverse impacts of lighting from proposed development on nearby properties, and on the night sky.	NA	
20.	Mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces.	NA	
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 landfill

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
23.	Mitigate adverse noise and lighting impacts and other nuisances of transportation facilities, services, and operations by considering site design solutions such as screening/ buffering, greater distance separation, changes in elevation such as placing the facility below grade. Establish and enforce accepted standards to protect residential areas from adverse impacts of noise, lighting and other nuisances. Design transportation facilities, including rail lines and aviation facilities, to mitigate adverse noise, lighting and other nuisance impacts on residential uses.	+	Existing landfill