

# Board of Zoning Adjustment

## Staff Report

August 17, 2020



<b>Case No:</b>	20- MCUP-0012
<b>Project Name:</b>	Ramp/Canopy
<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>	Steve Hendrix, Planning & Design Coordinator

### **REQUEST:**

Modification of a Conditional Use Permit to allow an approximately 125 square foot ramp with canopy on the southeastern portion of the property.

### **CASE SUMMARY/BACKGROUND**

The ramp will provide exterior access to the basement which serves the maintenance department and currently only has interior access via an elevator. The ramp will be used for equipment access only on an average of bi-monthly basis.

### **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 ramp/canopy.

### **RELATED CASES**

#### **18CUP0086**

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 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 request is more than 300 feet from Story 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 have given preliminary approval.

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

#### **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.

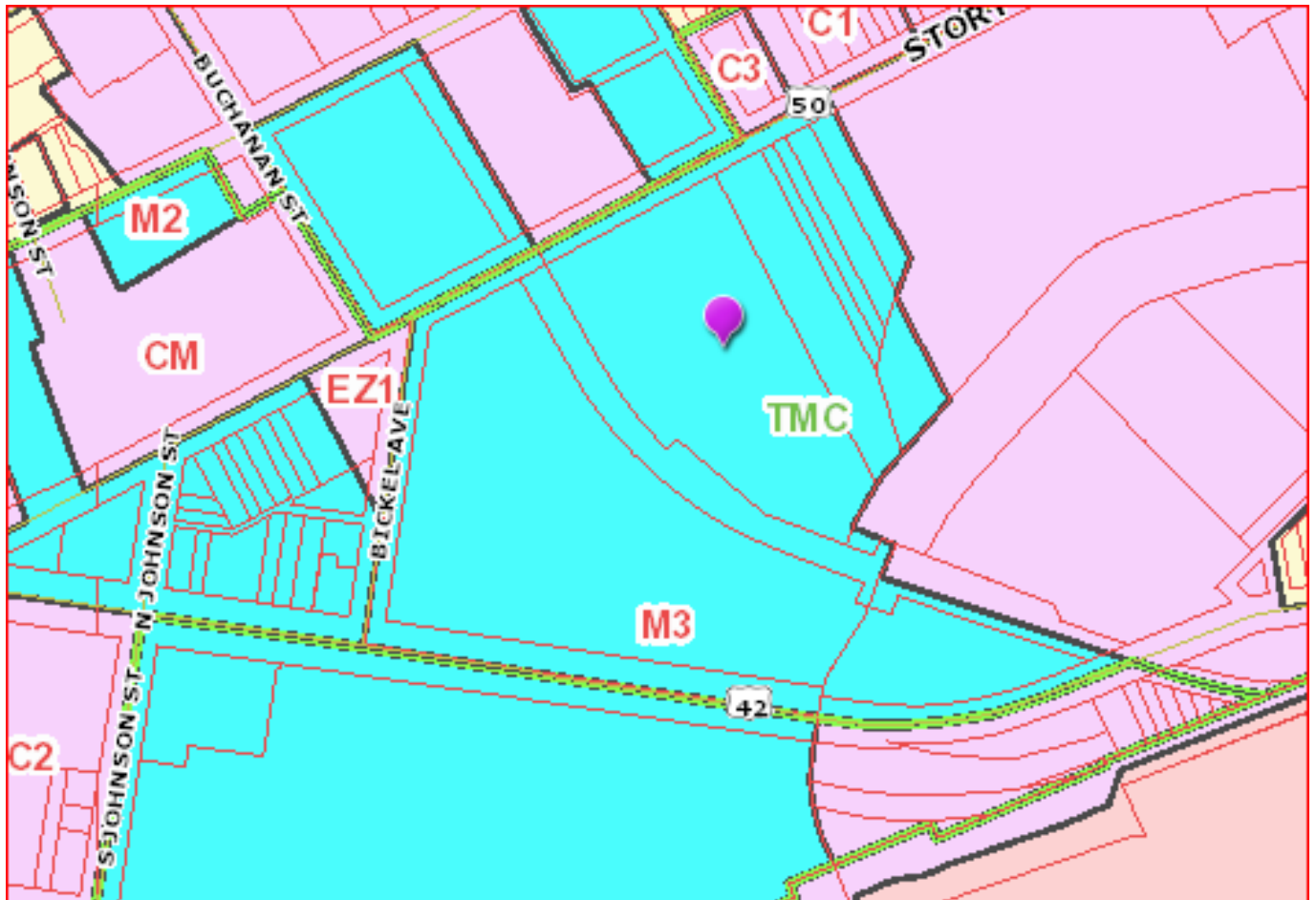
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
07/30/2020	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners
08/03/2020		Registered Neighborhood Groups in Council District 4

#### **ATTACHMENTS**

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

## 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.	+	Approximate 125 square foot ramp with canopy to provide access to basement which serves as the maintenance department
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.	+	More than 300 feet from Story 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.
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.	+	More than 300 feet from Story Avenue

### **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.