

Board of Zoning Adjustment

Staff Report

September 28, 2020



Case No:	20-CUP-0087
Project Name:	RePak Recycling
Location:	1400 Southwestern Parkway
Owner(s):	RePak Recycling, LLC
Applicant:	RePak Recycling, LLC
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green
Case Manager:	Jon Crumbie, Planning & Design Coordinator

REQUEST(S)

Conditional Use Permit to allow a solid waste management facility

CASE SUMMARY/BACKGROUND

The applicant is proposing to use the existing 1-story, 329,145 square feet building for an indoor metal, solid waste recycling facility. The existing structure will remain, so the footprint and height will not change from what currently exists. RePak is a local family owned business that has outgrown its current facility located at 1344 Beech Street. Its current operation is located in a densely populated residential area only 2.2 miles from the new location. This allows RePak to retain its current workforce without its employees having to relocate or travel significantly greater distances to work. The proposed site has more immediate access to the arterial road system (Algonquin Parkway and Shawnee Expressway) which eliminates the truck traffic (typically six to seven per day) which currently traverses a dense residential area.

STAFF FINDING / RECOMMENDATION

There are five listed requirements, and four will be met. The applicant will be asking for relief for item B. Based upon the information in the staff report and 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 LDC for a Conditional Use Permit.

RELATED CASES

None

TECHNICAL REVIEW

The property is located along a parkway and the applicant will be removing all existing signage and asphalt except what is needed for required ingress/egress within the Southwestern Parkway right-of-way. Also, landscape and tree canopy plans will be submitted and approved before issuance of the building permit.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on June 19, 2020 and no one attended except the applicants and representatives.

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 meets all applicable policies of the Comprehensive Plan.

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: When appropriately managed, the proposed use is compatible with surrounding development and land uses.

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 subject property is served by existing public utilities and facilities. Transportation Planning and MSD have reviewed the proposal.

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

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). ***RePak currently holds a license from Jefferson County Waste Management District that will be transferred to the new location.***

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. ***The applicant is asking for relief since the company obtains its materials from third party trucking companies, those companies are responsible for cleaning and maintaining their trucks so vehicle cleaning facilities will not be provided on site.***

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 at all times when active operations are not taking place and shall be properly maintained until all operations are completed. ***The entire site will be enclosed by a 6' high fence with gates to be locked when active operations are not taking place.***

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. ***Normal operating hours are from 7:30 a.m. to 4:30 p.m.***

E. In addition to these conditions, the following conditions apply to the respective category.

3. Indoor Recycling Facilities, if not in conflict with other laws or ordinances, may be located in the M-2, M-3 and EZ-1 Industrial Districts upon granting of a Conditional Use Permit after the location and nature of such use have been approved by the Board of Zoning Adjustment. The Board of Zoning Adjustment shall review the Comprehensive Plan, the plans and statements of the applicant and shall not permit such buildings, structures, or uses until it has been shown that the public health, safety, and general welfare will be properly protected, and that necessary safe guards will be provided for the protection of surrounding property and person. Recycling and/or storage of the following materials:

Glass and glass products

Paper and paper board and fiber

Non-ferrous metals

Ferrous metals (limited to food and beverage containers) Wallboard

Plastic and rubber products, and Insulation; may be permitted when developed in compliance with the following conditions:

a. The operation including loading and unloading operations is completely enclosed in building(s) approved for such purposes by all applicable fire protection authorities. ***Recycling activities will be conducted entirely indoors (primarily aluminum cans, and much smaller quantities of cardboard, plastic pallets, steel and red metals).***

b. The operation will not have or require any fire, smelting, fumes, chemicals or other toxic materials, hazardous waste or by-products, and the use and site shall conform to such other requirements and conditions as the Board in the exercise of sound discretion may require for the protection of surrounding property, persons, and neighborhoods values. ***The operation will not have or require any fire, smelting, fumes, chemicals or other toxic materials, hazardous waste or by-products.***

c. The building(s) shall be a minimum of 200 feet or a lesser distance if approved by the Board of Zoning Adjustment from any surrounding residential district(s). The Board may substitute additional screening requirements for a reduction of the 200-foot setback. ***The subject site is not located adjacent to any residential zoning district. Its adjoining neighbors are MSD and an Ashland Oil refinery.***

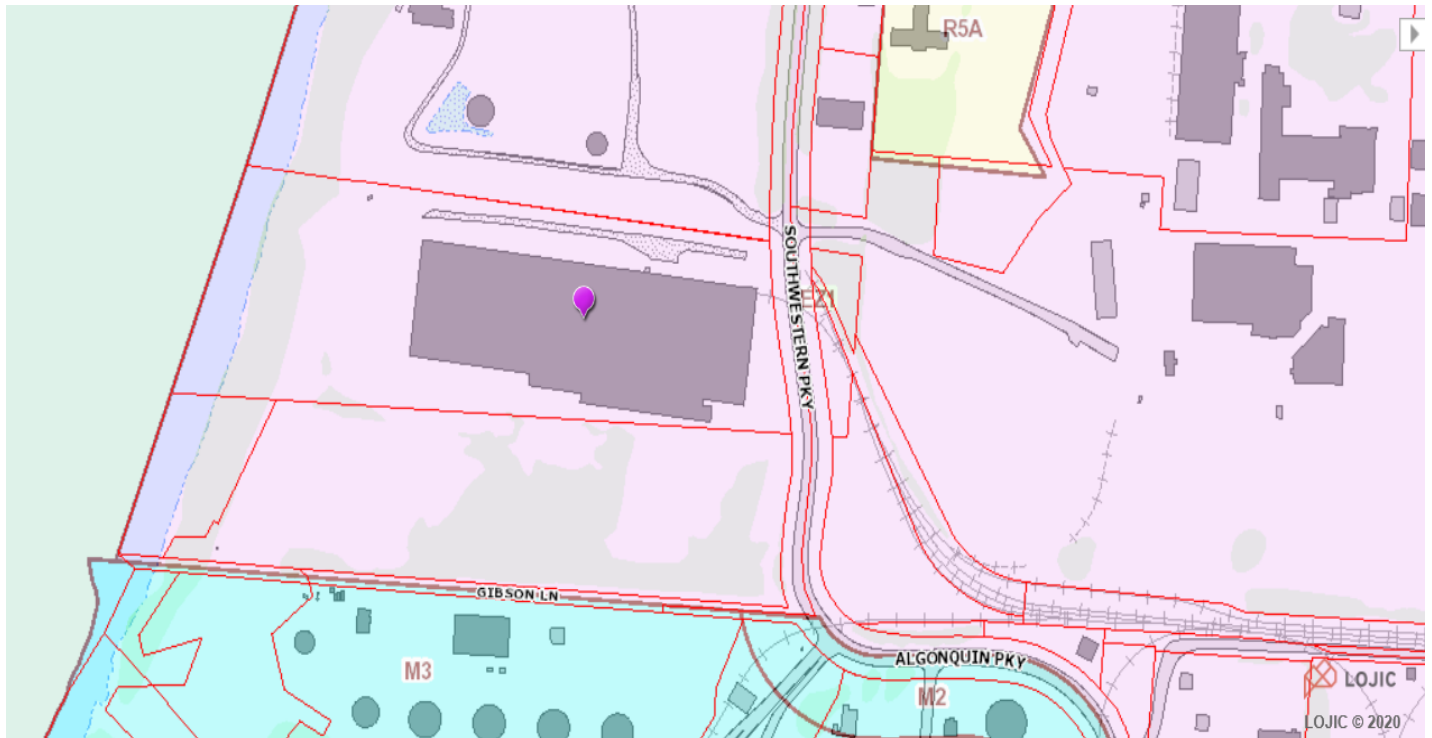
NOTIFICATION

Date	Purpose of Notice	Recipients
9/10/2020	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 1
9/14/2020	Hearing before BOZA	Sign Posting

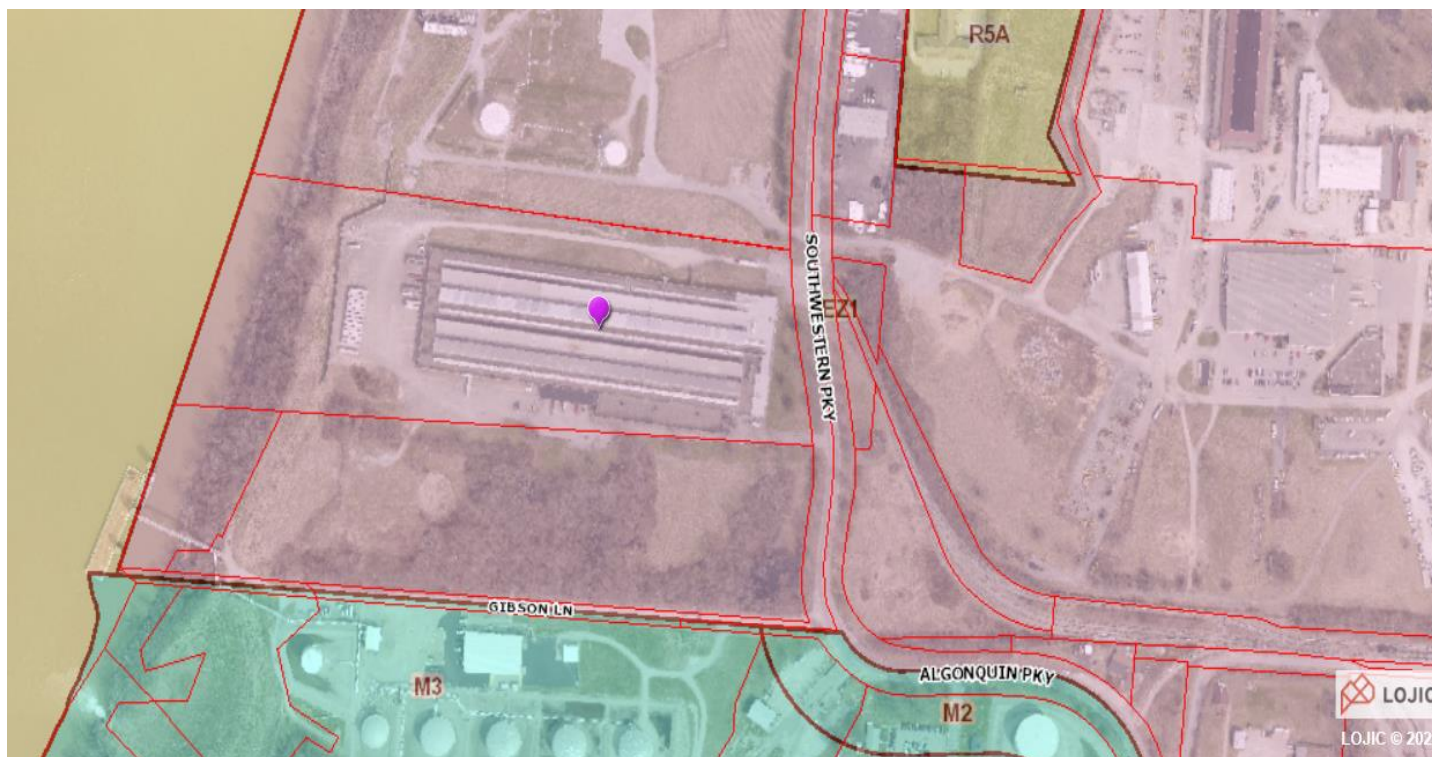
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. 2040 Checklist

Conditional Use Permit Checklist

+ Meet policy

- Does not meet policy

+/- Meets/Does not meet some portion of policy

NA – Not applicable

NIS – Information needed

Policy#	Plan Element	Staff Finding	Comments
Community Form – Goal 1			
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.	+	The applicant is proposing to use the existing structure and repurpose it to solid waste management facility (indoor recycling)

Policy#	Plan Element	Staff Finding	Comments
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	+	Setbacks, lot dimensions and building heights are compatible with nearby development.
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.	+	Transportation Planning has reviewed and approved the proposal.
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).	+	Any new signage will be Land Development Code compliant.

Policy#	Plan Element	Staff Finding	Comments
17.	Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	+	Transportation Planning has reviewed and approved the proposal
18.	Mitigate adverse impacts of noise from proposed development on existing communities.	+	Normal operating hours are from 7:30 a.m. to 4:30 p.m. and the proposal is not located adjacent to any residential zoning district. Its adjoining neighbors are MSD and an Ashland Oil refinery.
19.	Mitigate adverse impacts of lighting from proposed development on nearby properties, and on the night sky.	+	Lighting will be Land Development Code compliant.
Goal 2 Community Facilities			
3.	Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	+	MSD has reviewed and approved the proposal pending easement agreement.

4. **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 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 Conditional Use Permit is not so exercised, the site shall not be used for a solid waste management facility until further review and approval by the Board.