

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • WWW.BARDLAW.NET

Paul B. Whitty
Mobile: 502.459.2001
Email: Paul@BARDLAW.NET

June 22, 2020

Jon Crumbie, Case Manager
Louisville Metro Planning & Design Services
444 S. 5th Street, 3rd Floor
Louisville, KY 40202

Re: Conditional Use Permit under LDC Section 4.2.49 to allow a Solid Waste Recycling Center on property located at 1400 Southwestern Parkway, Docket No. 20-CUPPA-0080

Dear Jon:

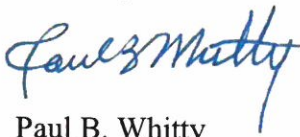
We are herewith filing a CUP application for the above referenced property to allow a Solid Waste Recycling Center.

In addition to the CUP, we are requesting Relief from the CUP requirement 4.2.49.B, to no provide required truck washing facilities. The trucks entering and leaving the site with materials are not owned by RePak, and therefore RePak cannot wash trucks owned by third parties. The driving surfaces at the site are all impervious paved surfaces without mud, gravel, and the like, which is common in scrap metal facilities.

We look forward to answering any questions you may have regarding this development.

Many thanks.

Sincerely,



Paul B. Whitty

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COMPLIANCE STATEMENT

RePak Recycling, 1400 Southwestern Parkway

Docket No. 20-CUPPA-0080

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INTRODUCTION

RePak Recycling is applying for a conditional use permit under LDC 4.2.49 as a Solid Waste Management Facility it proposes to operate on a 21 acre site at 1400 Southwestern Parkway. 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. Additionally, the proposed site will be an adaptive reuse of an historic building listed on the National Register so its historic character will be preserved. 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. This proposal is a "win-win" for the RePak company and the community.

COMPLIANCE WITH LDC 4.2.49(E)(3)

RePak currently holds a license from Jefferson County Waste Management District that will be transferred to the new location. 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 and therefore relief from the listed requirement of LDC 4.2.49(B) is requested. The entire site will be enclosed by a 6' high fence with gates to be locked when active operations are not taking place. The subject site is not located adjacent to any residential zoning district. Its adjoining neighbors are MSD and an Ashland Oil refinery. Recycling activities will be conducted entirely indoors (primarily aluminum cans, and much smaller quantities of cardboard, plastic pallets, steel and red metals). The only outdoor activity will be vehicle parking, truck weigh stations and a "steel consolidation area" at the rear of the property. The operation will not have or require any fire, smelting, fumes, chemicals or other toxic materials, hazardous waste or by-products. The operations will be safe, quiet and unobtrusive. Normal operating hours are from 7:30 a.m. to 4:30 p.m.

COMPLIANCE WITH THE PLAN 2040 COMPREHENSIVE PLAN

Community Form

The proposed site is appropriately located in the Suburban Workplace Form District. Approximately 20% of the subject property from the rear of the building to the Ohio River is in a Neighborhood Form District although there is no residential development or other development of any kind that would be affected by these operations. The Suburban Workplace Form (3.1.10) is characterized by predominantly industrial and office use and this proposal complies with Land Use & Development Policies 4, 7 and 11 because this REDEVELOPMENT is compatible with the scale sign design of nearby existing development,

well located near major transportation facilities situated with setbacks, scale, height and lot dimensions compatible with surrounding development. Although RePak has been a good neighbor at its current location, It should be noted that this relocation will advance many objectives of Plan 2040 by eliminating potential nuisance impacts of traffic, noise, light and visual intrusions on nearby existing communities (Land Use & Development Policies 17,18,19 and 20) as well as numerous Livability, Goals, Objectives and Policies).

Community Facilities

Community Facilities: Goal 3: Design Community Facilities to be resilient and compatible with the surrounding neighborhood. Objective b: Community facilities and utility infrastructure are designed to be sustainable and managed to conserve energy and reduce waste. Compatible with its surroundings this facility is a necessary component of this community's ability to recycle its waste stream. Land Use & Development Policy 3 applies as this proposal retains, maintains and reuses structurally sound community facilities that can continue to serve useful functions.

Economic Development

Economic Development: Goal 1: Provide economic climate that improves growth, innovation, investment and opportunity for all. This proposal meets Objectives c., d. and h. as well as applicable Land Use & Development Policies 1,2,4 and 5 because this proposal by a small business redevelops used industrial land in an industrial cluster near the Ohio River and convenient to arterial and higher level classified roads.

In summary, this proposal presents a rare opportunity to allow a thriving and necessary industry to conveniently relocate to an appropriate nearby location to accommodate its growth, retain and expand its workforce and preserve an historic building that is a valued part of Louisville's industrial heritage.

Respectfully submitted,

John C. Talbott

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May 22, 2020

RE: Neighborhood meeting for proposed Conditional Use Permit (CUP) to allow a Solid Waste Recycling Center on property located at 1400 Southwestern Parkway

We are writing to notify you about an upcoming "neighborhood meeting" on the above referenced project. Because of the COVID-19 emergency orders requiring and/or recommending social distancing, the neighborhood meeting is being held virtually and the details are set forth in this letter and the supporting attachments. If for some reason you do not have access to the technology needed to attend the virtual meeting, we can assist with getting you access or discuss an in-person meeting if conditions permit.

Our client, the applicant, Toby Vonberg with RePak Recycling, LLC is seeking a CUP for the property located on the east side of Southwestern Pkwy, just north of Gibson Lane. The applicant is proposing to use the existing 1-story, 329,145 sf building for an indoor metal recycling facility. The applicant's facility is not a scrap metal recycling operation. We have filed a plan for pre-application review with the Division of Planning and Design Services (DPDS) that has been assigned case number 20-CUPPA-0080 and case manager, Jon Crumbie.

The virtual meeting will be held on **Tuesday, June 9th** beginning at **6:30 p.m.**

Enclosed for your review are the following:

1. The Color Site Plan
2. The LOJIC Zoning Map showing the location of the site
3. Detailed Summary of the project
4. Contact Information
5. Instructions on how to join the virtual meeting.
6. Information on how to obtain case information online from Louisville Metro Planning & Design's online customer service portal.
7. "After the Neighborhood Meeting" flyer

If you are unable to attend the virtual meeting, or have any questions or comments, please feel free to write me, email me or call me, or contact the Planning and Design Services case manager, as listed on the attached Contact Information sheet.

We look forward to seeing you.

Sincerely,


John C. Talbott

cc: Hon. Hon. Jessica Green, Councilwoman, District 1
Jon Crumbie, Case Manager with Division of Planning & Design Services
David Mindel & Kathy Linares, land planner with Mindel, Scott & Associates, Inc.

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DETAILED SUMMARY

Our client, the applicant, Toby Vonberg with RePak Recycling, LLC is seeking a CUP using Section 4.2.49, Solid Waste Management Facilities under the Land Development Code (the "LDC"). The property is located on the east side of Southwestern Pkwy, just north of Gibson Lane as shown on the attached "LOJIC Site Location" attachment. We filed a plan for pre-application review with the Division of Planning and Design Services (DPDS) that has been assigned case number 20-CUPPA-0080 and case manager, Jon Crumbie.

The applicant is proposing to use the existing 1-story, 329,145 sf building for an indoor metal, solid waste recycling facility. The building is going to be reused, so the footprint and height will not change from what currently exists, except as set forth on the development plan which is attached for your review. Because of the use, the "patterns and lot counts" do not apply and there is not any subdivision of the property. The applicant's facility is not a scrap metal recycling operation. The use again is a solid waste facility that will be conducting indoor metal recycling.

The present and proposed zoning for the property is EZ-1 and the form district is Suburban Workplace, Neighborhood Form District. The landscaping, screening and buffering will be in compliance with Chapter 10 of the Land Development Code and provided prior to the issuance of a building permit. A tree preservation plan will be provided to the planning commission's staff landscape architect for approval prior to beginning any construction activities if required. All dumpster pads, transformers, AC units, generator pads (if any) shall be screened pursuant to Chapter 10 of the Land Development Code. The project has sewers currently which will not change. There will not be any change or modifications to the road access, except for as shown on the development plan, primarily regarding parking. The stormwater detention calculations are additionally as shown on the development plan.

NOTICE OF POTENTIAL CHANGES. Please be advised that this "Detailed Summary" is required to be provided in order to schedule the "neighborhood meeting" and to begin the application process. While every effort is made to make it accurate, changes will likely be made to the development plan before or after the neighborhood meeting, and after various agencies and DPDS staff review the plan. Those changes will be available for review with Louisville Metro Planning & Design's Online Customer Service Portal. Instructions how to access this information is provided in the DPDS portal exhibit. Additionally, those changes with the final plan would be presented at the time of the public hearing(s). You may also contact the DPDS case manager if you have any questions, or contact any others listed on the Contact Information Page where contact information is provided.

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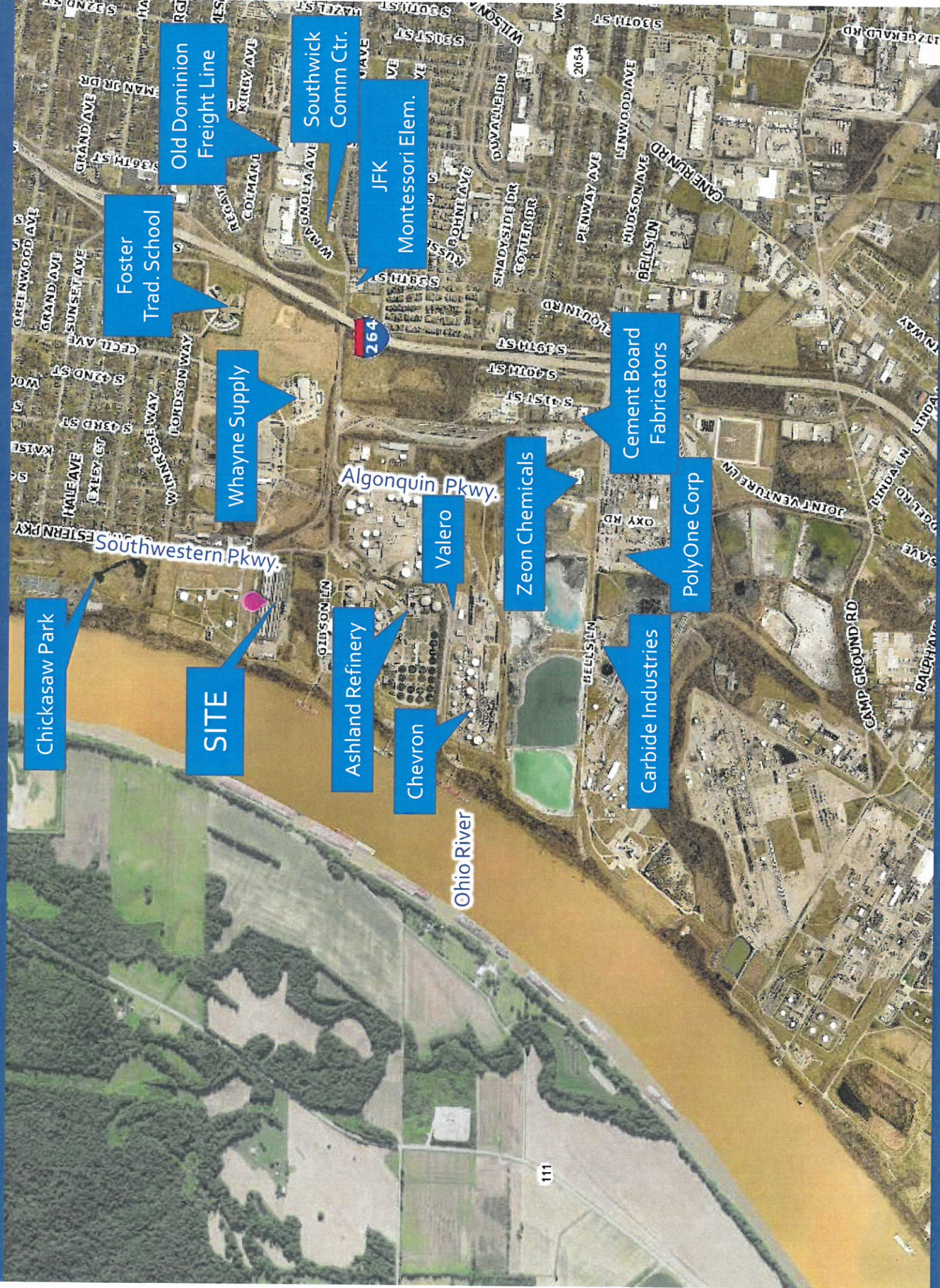
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(JON CRUMBIE, DPDS CASE MANAGER)

Conditional Use Permit to allow a Solid Waste Recycling Center in the existing 1-story, 329,145 sf building on approximately 21.44 acres at 1400 Southwestern Parkway

c/o Toby Vonberg – RePak Recycling, LLC - Applicant

Attorneys: Bardenwerper Talbott & Roberts, PLLC
Land Planners, Landscape Architects & Engineers: Mindel Scott & Associates, Inc.



Chickasaw Park

SITE

Ashland Refinery

Chevron

Valero

Zeon Chemicals

Carbide Industries

PolyOne Corp

Cement Board Fabricators

Wayne Supply

Foster Trad. School

Old Dominion Freight Line

Southwick Comm Ctr.

JFK Montessori Elem.

Algonquin Pkwy.

Southwestern Pkwy.

Ohio River

111



S 15th St

R5

S 1st St

CECIL AVE

S 2nd St

ELLENHOLT ST

S 3rd St

EXLEY CT

VIRGINIA AVE

DUMESNIL ST

SOUTHWESTERN PKWY

CHICKASAW PARK RD

Foster
Trad. School

INTERSTATE
264

GIBSON LN

R1

YOUNG AVE

VON SPIEGEL ST

STRATTON

15th St

MAE STREET KIDD AVE

WINROSE WAY

PORDSON WAY

Whayne Supply

R5A

Apts

EZ1

Algonquin Pkwy.

Southwestern Pkwy.

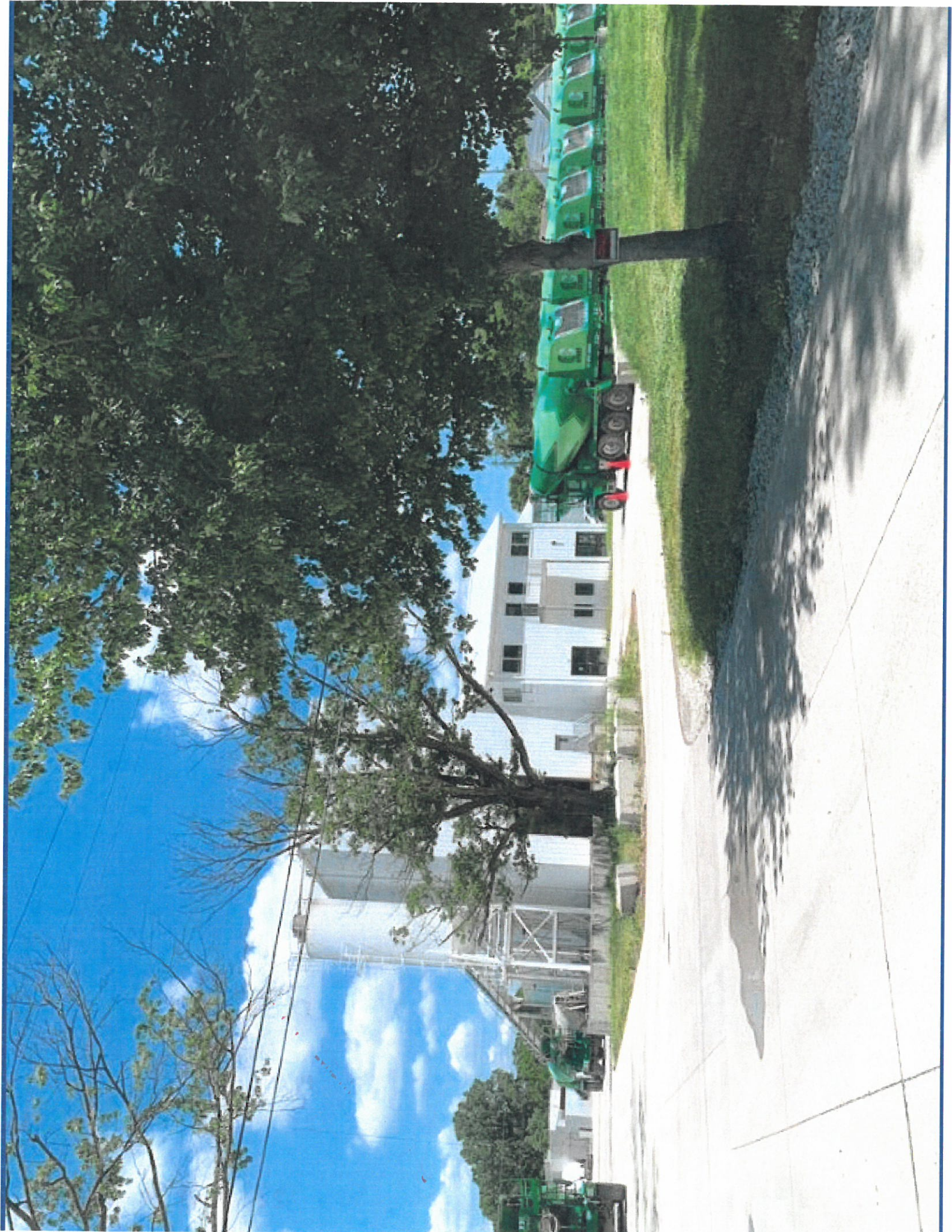
Gibson Ln: BISON LN

Ashland Refinery

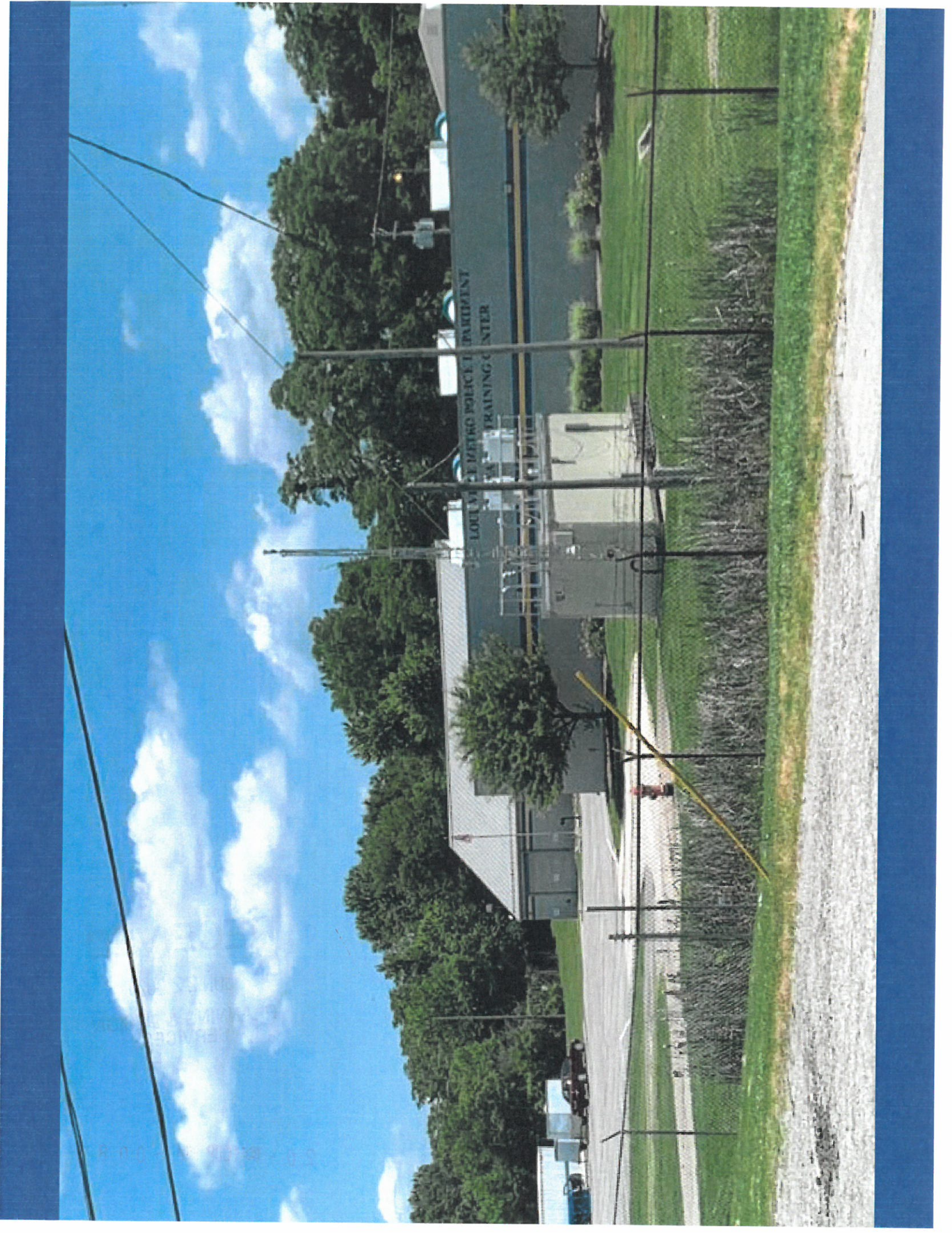
Ohio River

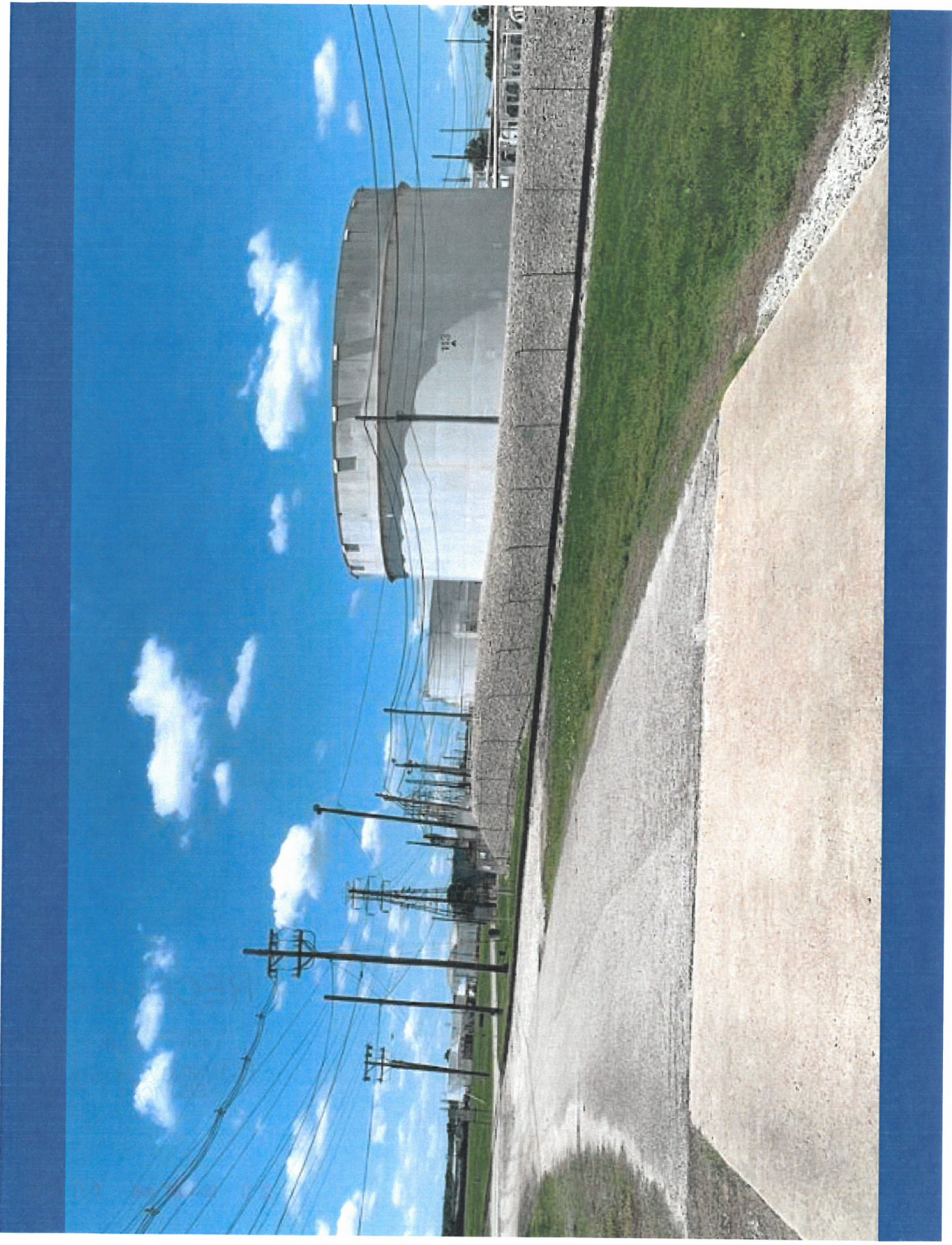
R1

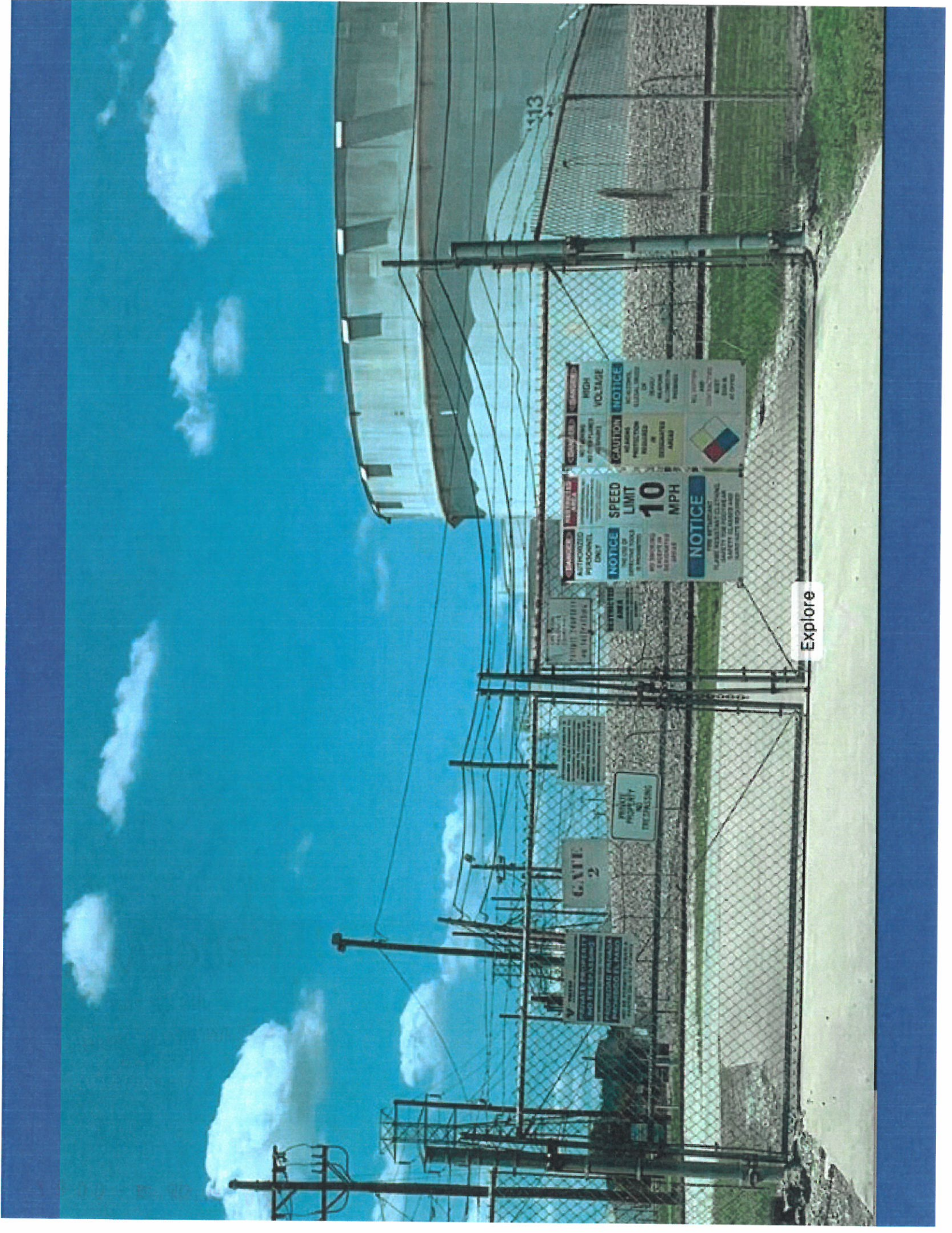
M3











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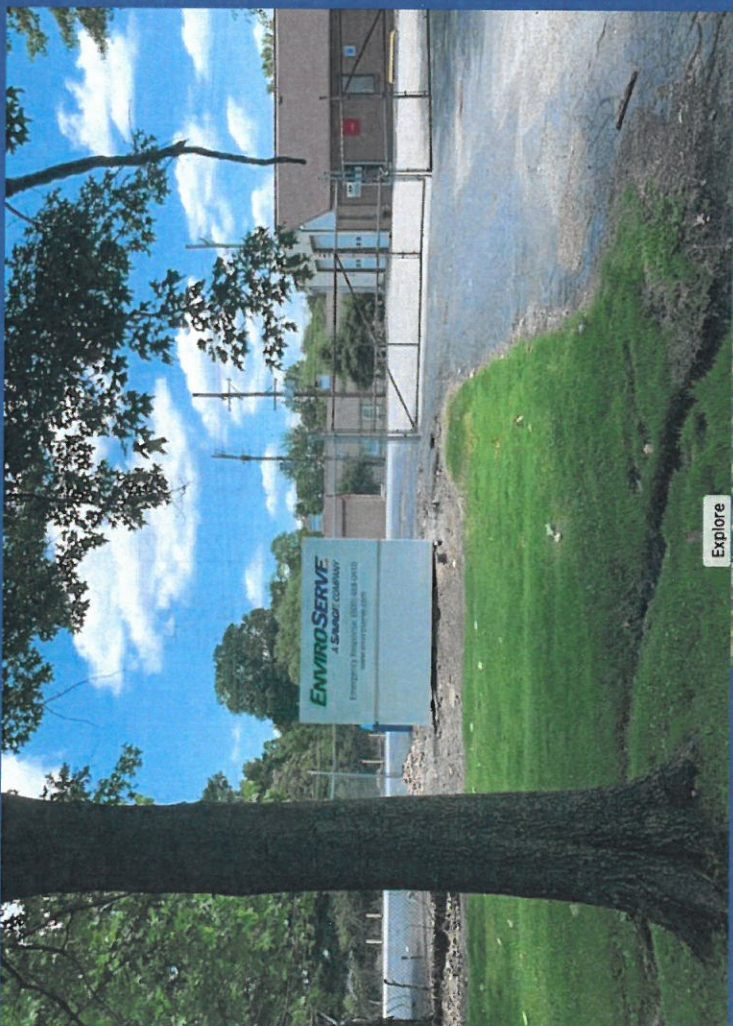


Explore





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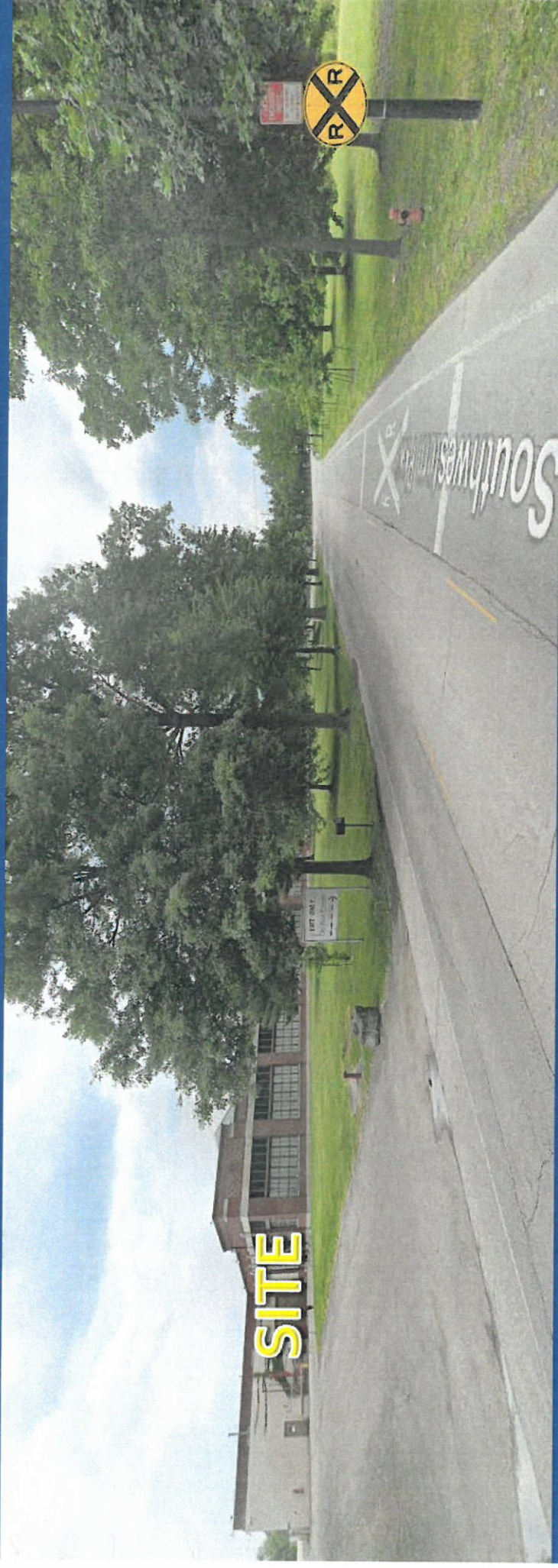


[Explore](#)









View of Southwestern Parkway looking north. Site is to the left.



View of Southwestern Parkway looking north. Site is to the left.



Questions?

Please use the chat box feature and you will be called on one at a time.

If you did not receive a letter in the mail regarding this neighborhood meeting, please e-mail Anna Martinez at amc@bardlaw.net or call her at 502.426.6688 and she will add your name to the mailing list.

Repak/Southwestern Pkwy Neighborhood Meeting Attendees Summary

Meeting Date June 9, 2020 5:54 PM EDT
Meeting Duration 73 minutes
Number of Attendees 7
Meeting ID 209-875-453

Details

Name	Email Address	Join Time	Leave Time	Time in Session (minutes)
Anna	amc@bardlaw.net	6:10 PM	7:07 PM	57
Bill Bardenwerper	wbb@bardlaw.net	6:32 PM	7:05 PM	33
John Talbott	john@bardlaw.net	5:54 PM	7:07 PM	73
Kathy Linares		6:12 PM	6:19 PM	7
Kathy Linares		6:20 PM	7:07 PM	47
Kathy Linares		5:55 PM	6:16 PM	21
Kathy Linares		6:24 PM	7:07 PM	43
Lannert, Steve		6:26 PM	6:58 PM	32
Toby Vonberg	toby@repakrecycling.com	6:11 PM	7:04 PM	52
paul whitty		6:38 PM	7:07 PM	29

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