

Louisville Metro Planning Commission – August 18, 2016
Louisville Metro Land Development & Transportation Committee – July 14, 2016
Neighborhood Meeting - April 11, 2016

Docket No. 16ZONE1021

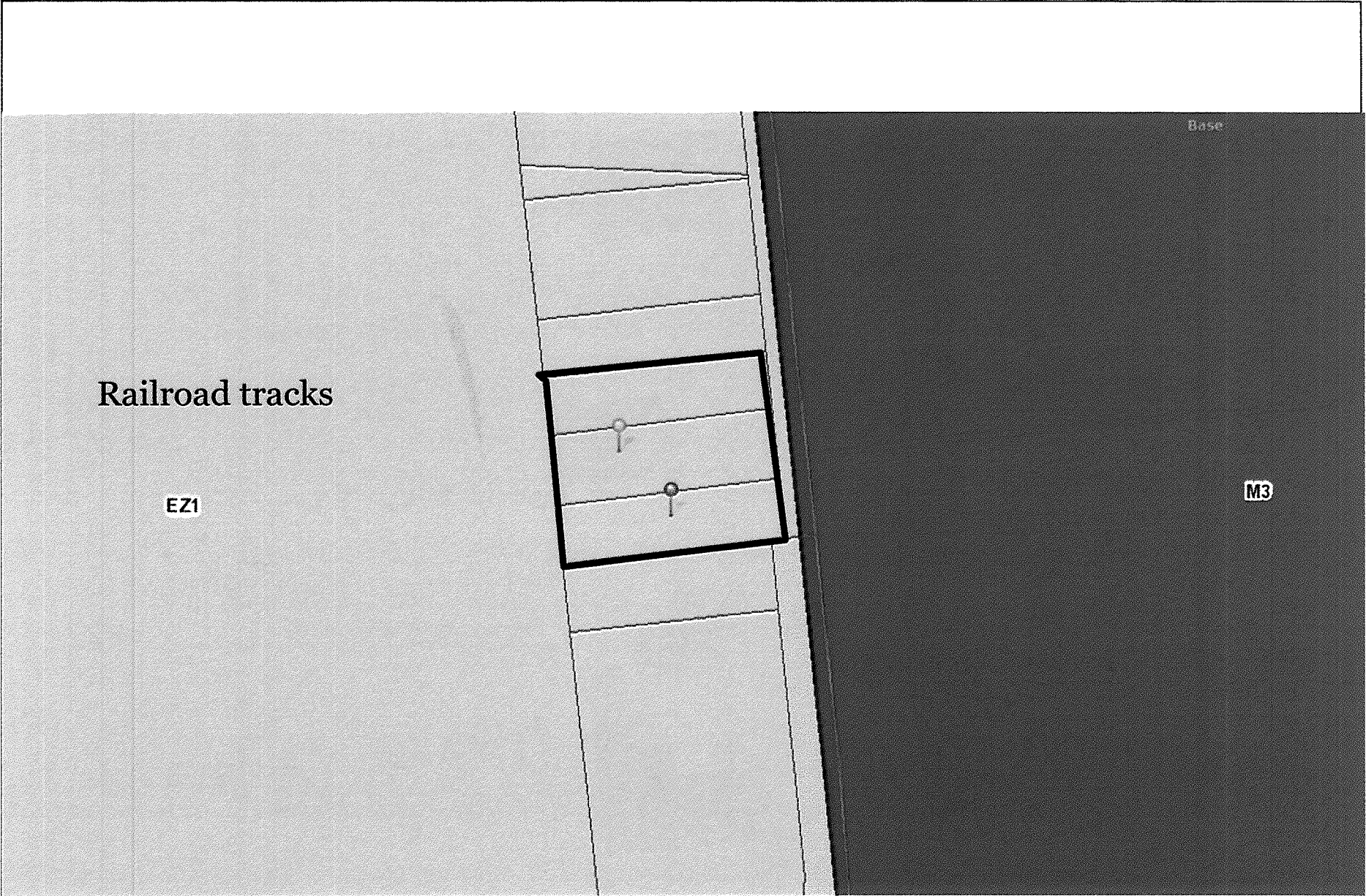
Zone change from EZ-1 to M-3 and Conditional Use Permit (CUP) to allow expansion of an existing plastics and metal recycling center to include outdoor recycling and storage located at 7400 & 7402 Grade Lane

Rusty Rooster Recycling

Attorneys: Bardenwerper Talbott & Roberts, PLLC
Land Planners, Landscape Architects & Engineers: Miller Wihry

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Railroad tracks

EZ1

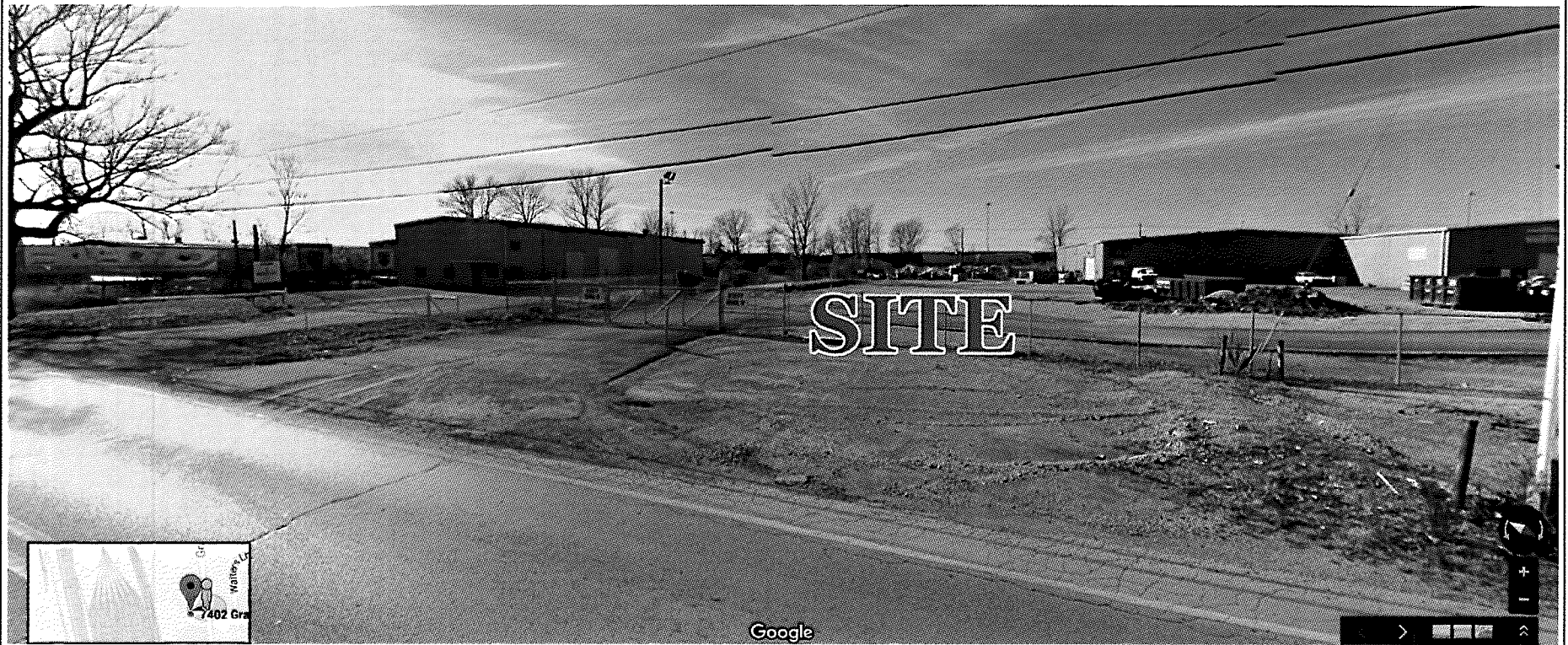
Base

M3

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



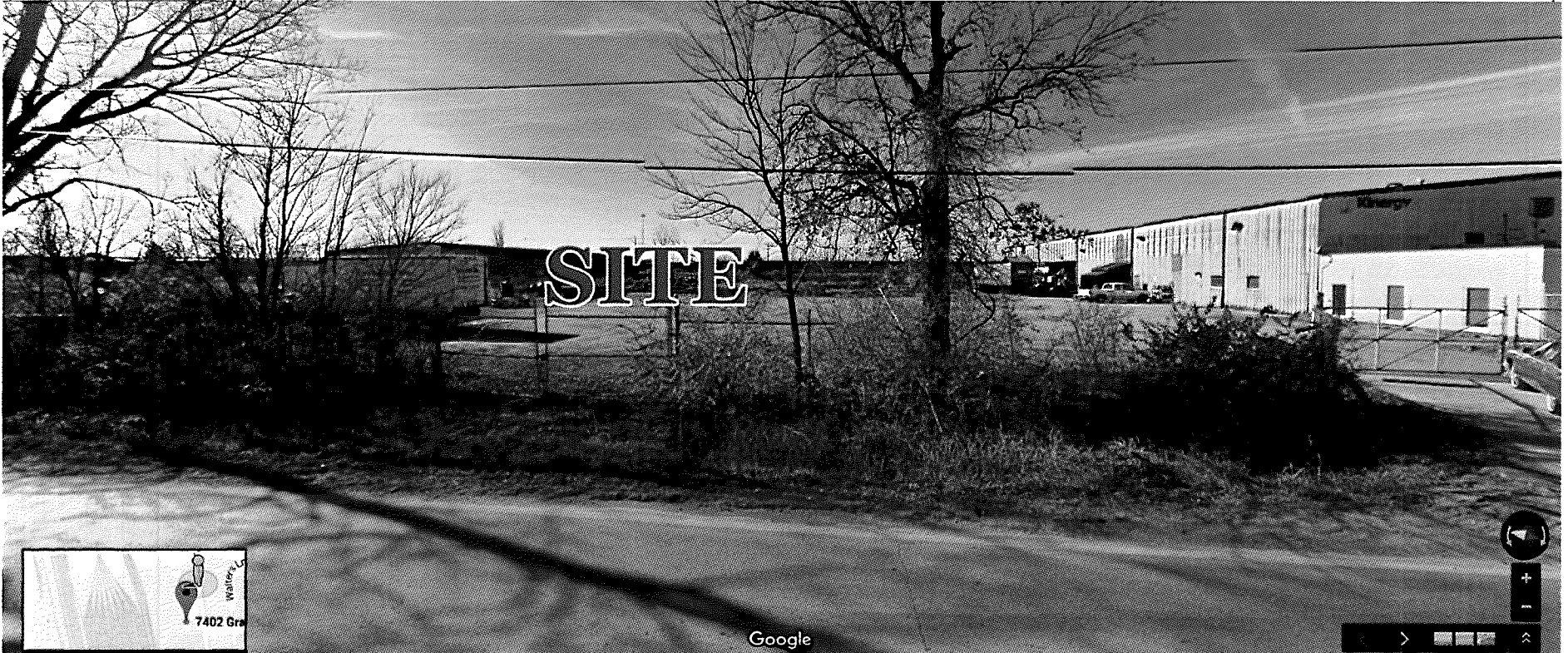
Railroad tracks



View of site from Grade Lane.



View of site from Grade Lane.



View of site from Grade Lane.



View of Grade Lane looking south. Site is to the right.



View of Grade Lane looking north. Site is the left.

Existing customer sign for scale operation



Existing scale to remain

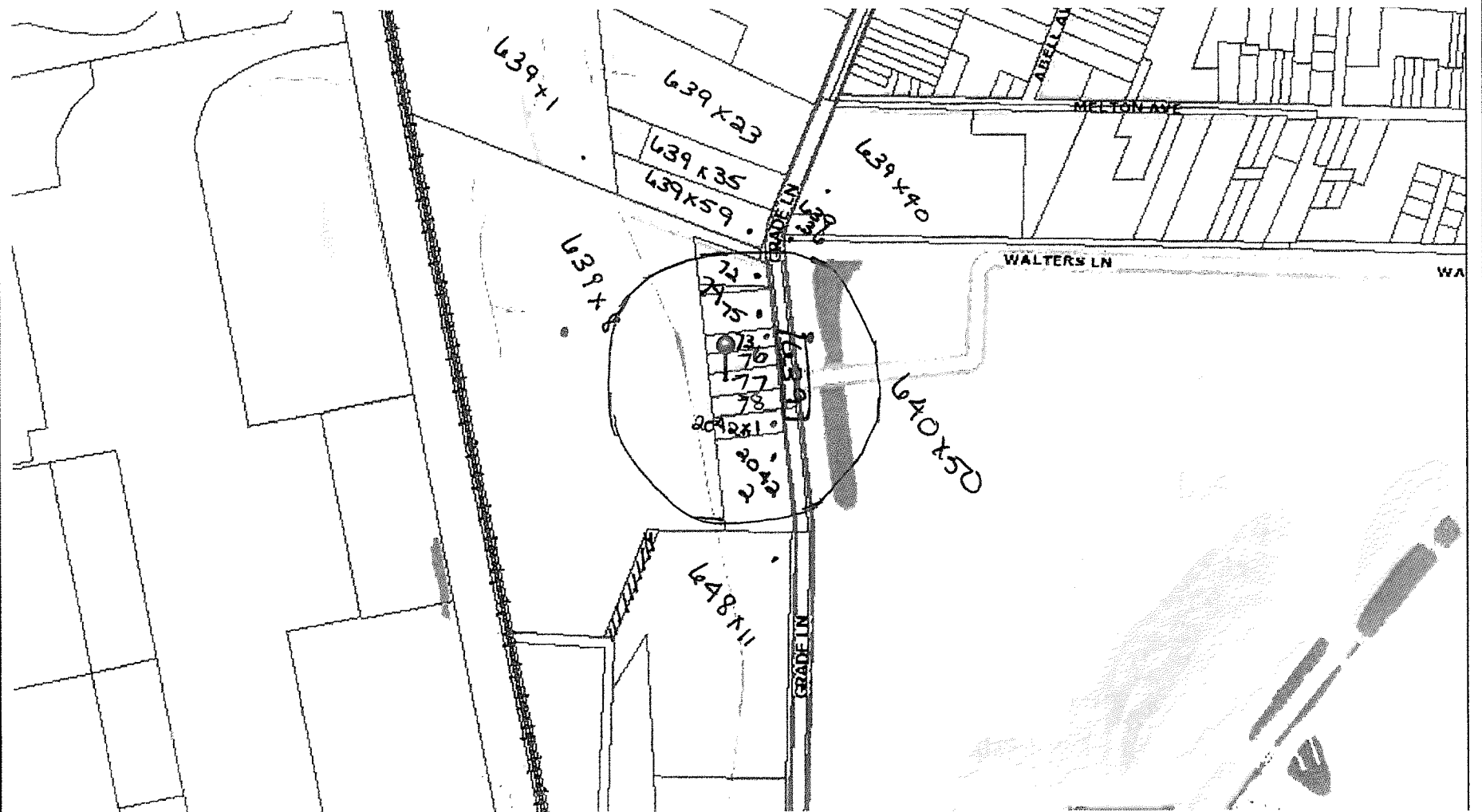


Landscaping recently installed as required.



Location of new, to be installed, 8 ft tall opaque metal fence.

Neighborhood Meeting notice list map wherein 17 neighbors were invited to the meeting



RUSTY ROOSTER RECYCLING

**7400 Grade Lane
Louisville, KY 40219**

March 28, 2016

Dear Neighbor,

RE: Proposed change in zoning from EZ-1 to M-3 and conditional use permit (CUP) to allow expansion of an existing plastics and metal recycling center to include outdoor recycling and storage on 2.81 +/- acres located on the west side of Grade Lane, north of Outer Loop at 7400 & 7402 Grade Lane

We are writing to invite you to a meeting we have scheduled to present neighbors with our rezoning and CUP plan to allow plastics and metal recycling center as located above.

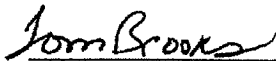
Accordingly, we have filed a plan for pre-application review on Monday, March 14th with the Division of Planning and Design Services (DPDS) that has been assigned **Case No. 16ZONE1021** and case manager **Julia Williams (574-6942)**. We would like to show and explain to neighbors this plan so that we might hear what thoughts, issues and perhaps even concerns you may have.

In that regard, a meeting will be held on **Monday, April 11th at 7:00 p.m.** the Rusty Rooster location located at **7400 Grade Lane**.

If you cannot attend the meeting but have questions or concerns, please call our attorney Nick Pregliasco at 426-6688, or our land planning and engineering firm representative John Miller at 636-5501.

We look forward to seeing you.

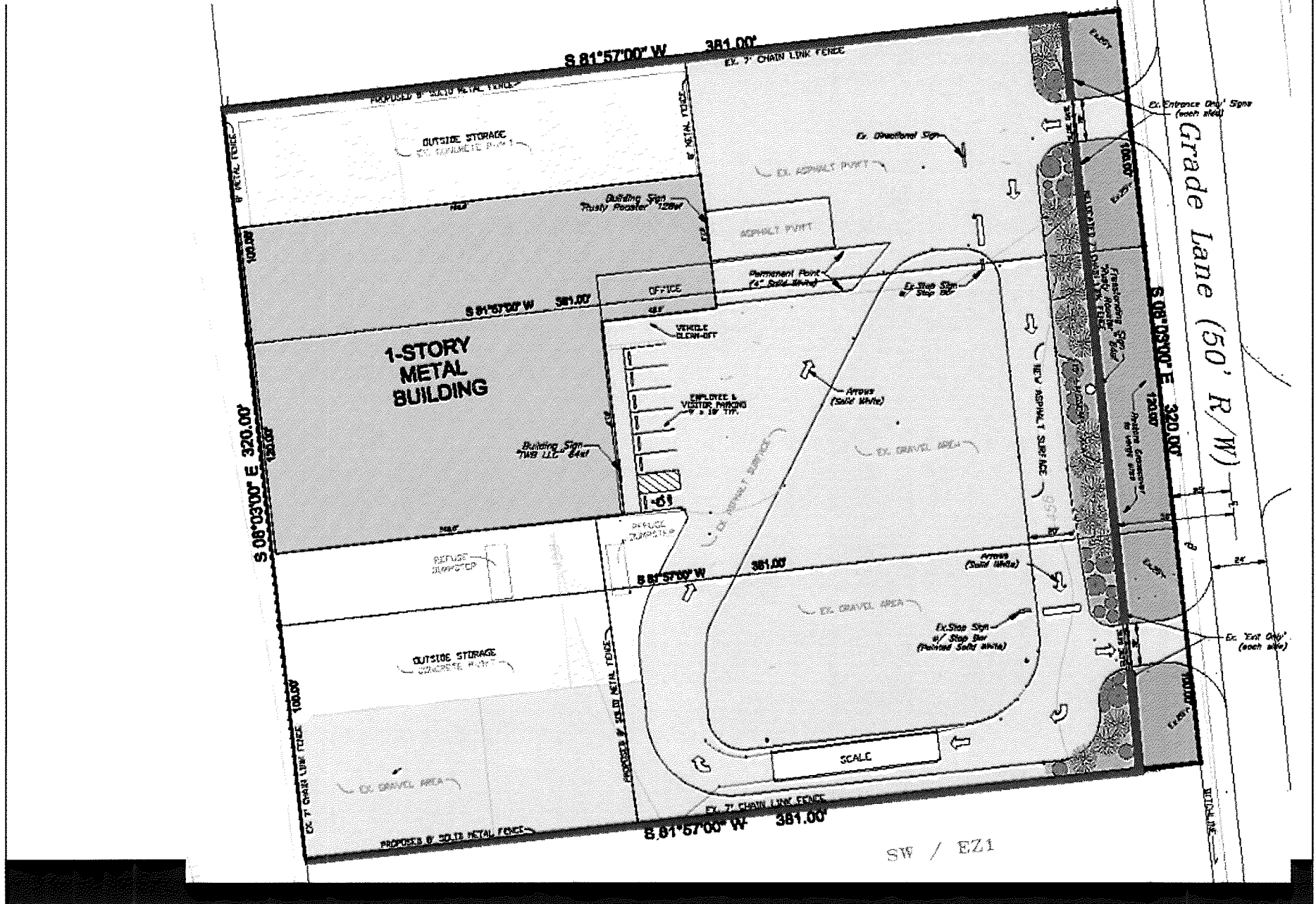
Sincerely,



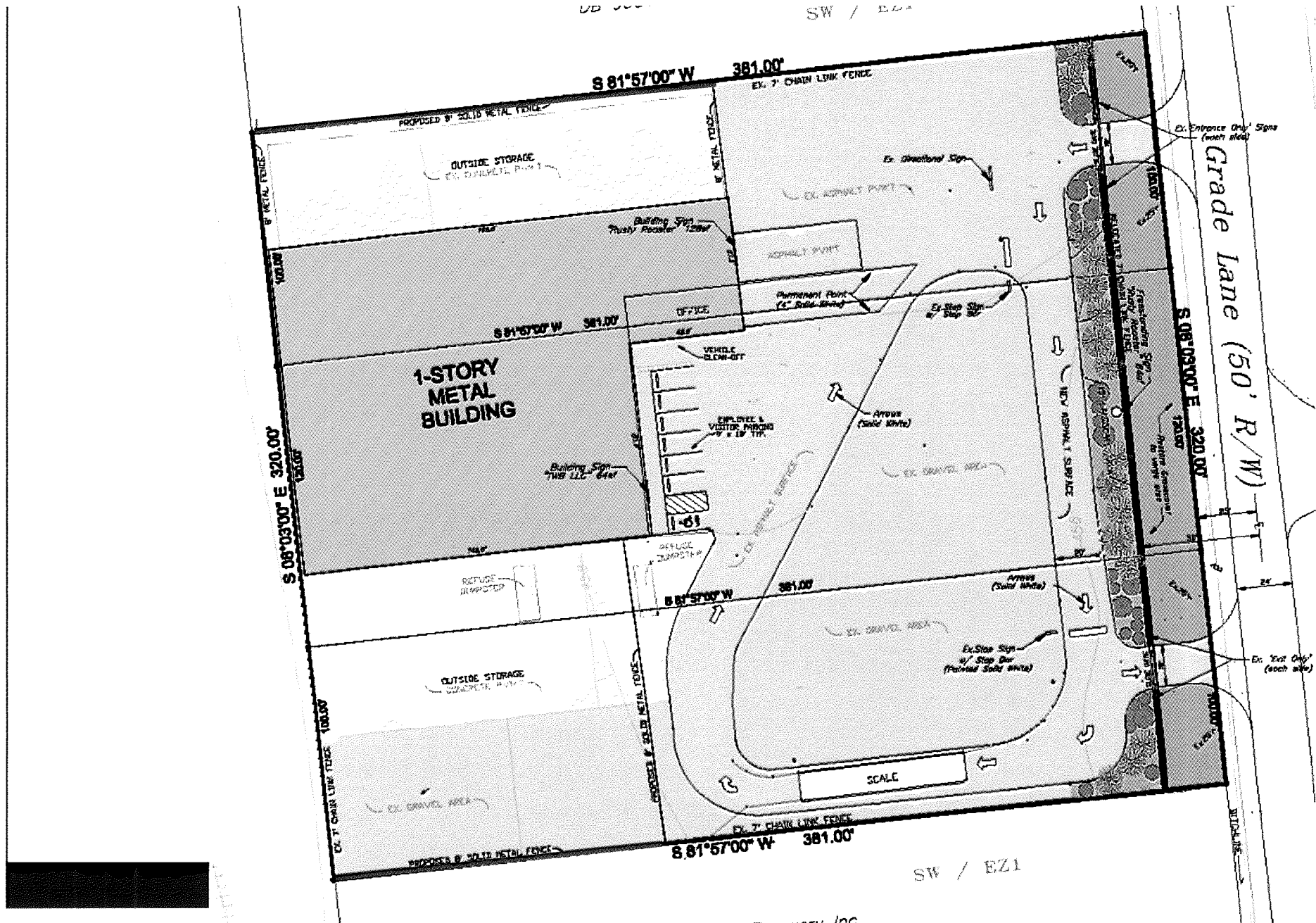
Tom Brooks

cc: Hon. Vickie Aubrey-Welch, Councilwoman, District 13
Julia Williams, case manager with Division of Planning & Design Services
Bill Bardenwerper, attorney with Bardenwerper, Talbott & Roberts, PLLC
John Miller, engineer and planner with Miller Wihry

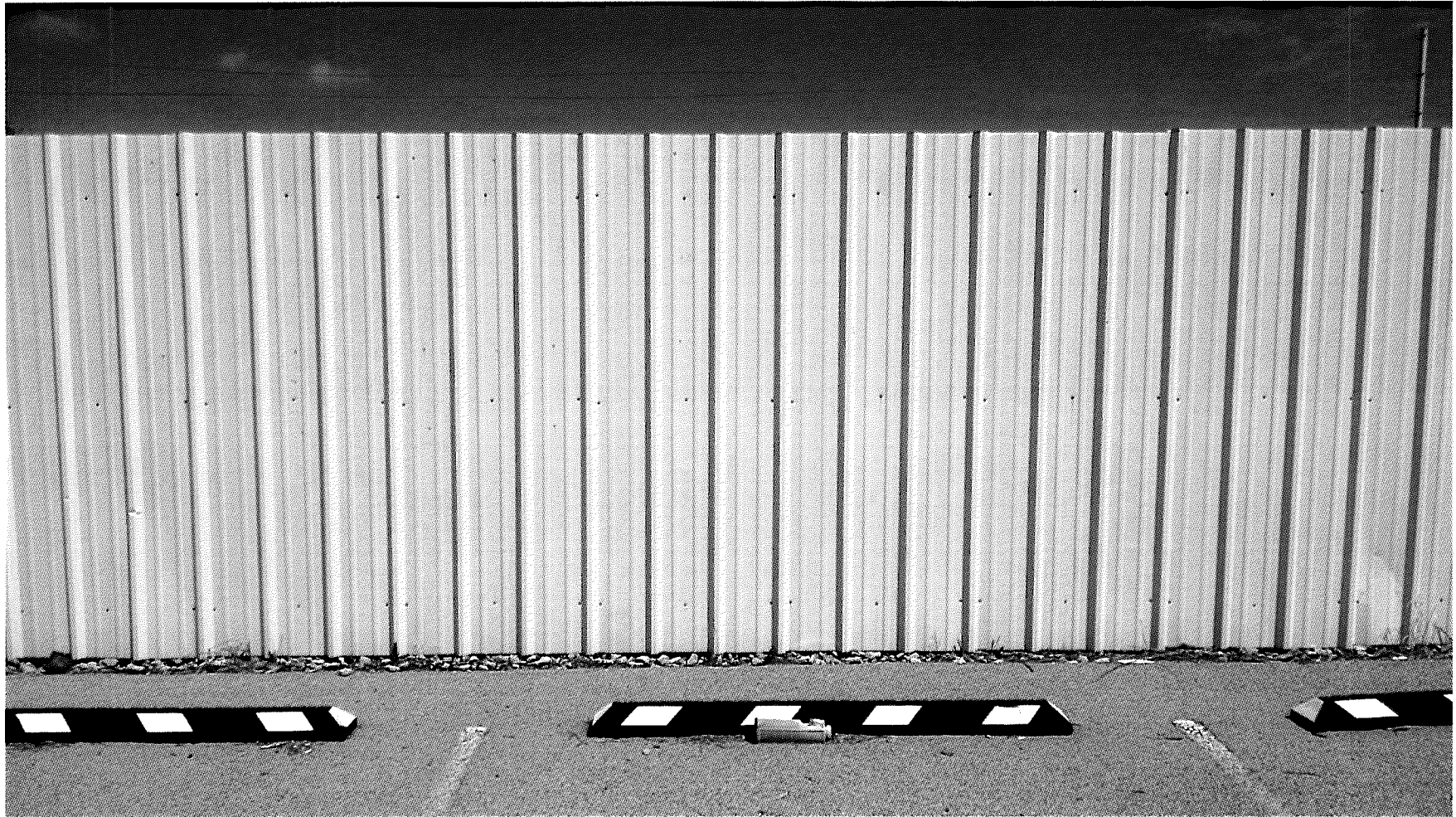
Red line indicates location of proposed new 8 ft tall metal fence surrounding 3 sides of the property, increased since the LD&T meeting.



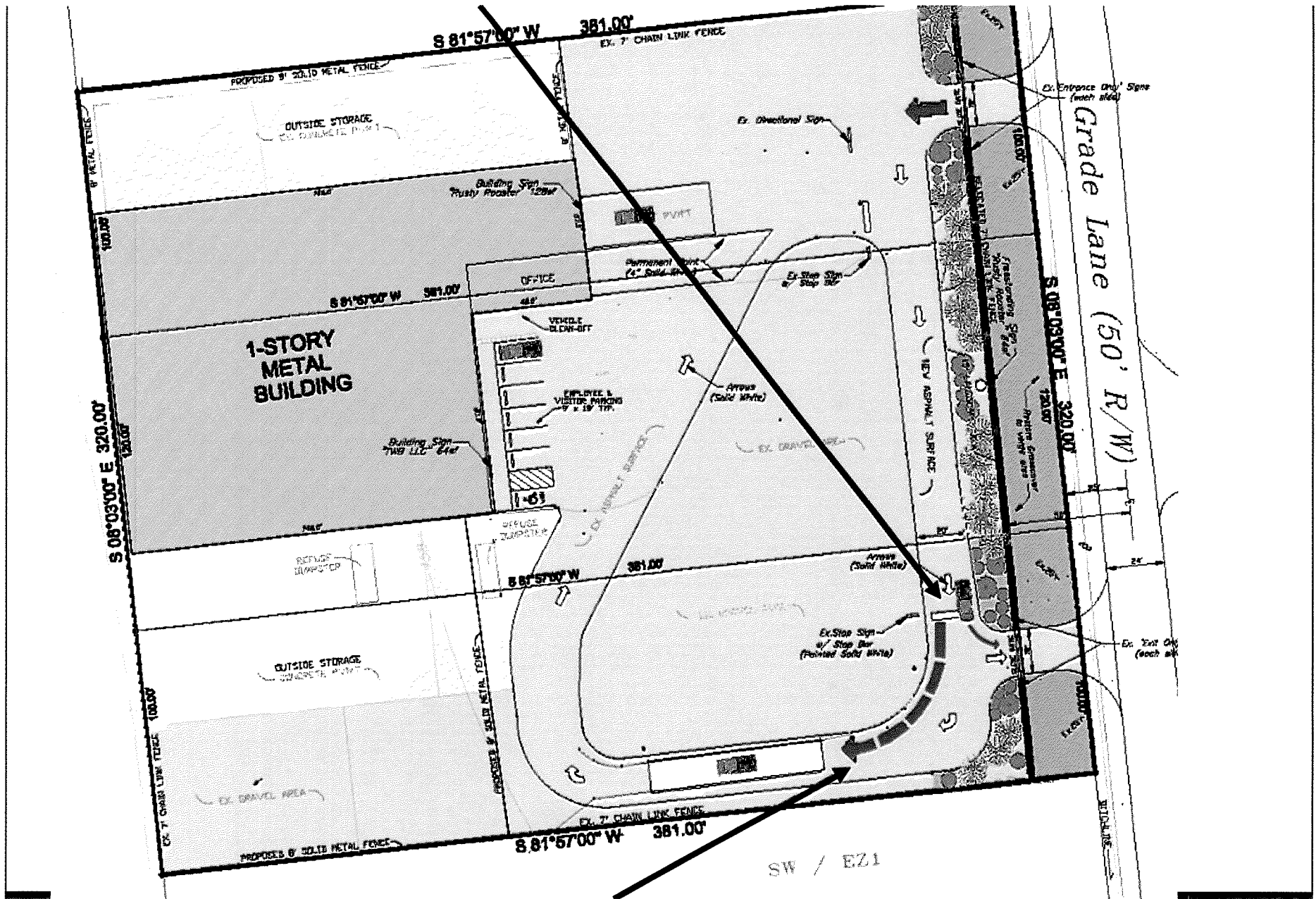
Red line indicates location of previously proposed new 8 ft tall metal fence, prior to LD&T meeting, which has been increased as shown above surrounding 3 sides of the property.



Picture of proposed new 8 ft tall metal fence.



20 ft width sufficient for 2 side by side customer lanes, so as to not impede exit traffic.



Space for stacking of 5 customer vehicles before the site exit.



THE HONEST SCRAPPER'S BEST FRIEND!
7400 GRADE LANE, LOUISVILLE, KY 40219

DATE	HOURS	CUSTOMER COUNT	# OF EMPLOYEES	VENDORS
5.30.2016 – MONDAY	8AM-5PM	51	3	1
5.31.2016 – TUESDAY	8AM-5PM	99	4	1
6.1.2016 – WEDNESDAY	8AM-5PM	63	3	1
6.2.2016 – THURSDAY	8AM-5PM	42	4	2
6.3.2016 – FRIDAY	8AM-5PM	67	3	1
6.4.2016 – SATURDAY	8AM-2PM	71	4	1
6.6.2016 – MONDAY	8AM-5PM	101	4	1
6.7.2016 – TUESDAY	8AM-5PM	76	4	1
6.8.2016 – WEDNESDAY	8AM-5PM	62	4	1
6.9.2016 – THURSDAY	8AM-5PM	56	4	1
6.10.2016 - FRIDAY	8AM-5PM	72	3	2
6.11.2016 - SATURDAY	8AM-2PM	61	4	1
6.13.2016 - MONDAY	8AM-5PM	87	4	1

Weekday: Average number of customers per hour = 8

Saturday: Average number of customers per hour = 11

Average time customer on lot = 15 minutes

Average number of customer vehicles on lot at any one time:

- Weekday = 2
- Saturday = 3

The only semi-trucks on site are vendors picking up material which are 1 to 2 per day per the above.

BARDENWERPER, TALBOTT & ROBERTS, PLLC

Attorneys at law

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
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STATEMENT OF COMPLIANCE WITH THE APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant: Rusty Rooster Recycling, c/o Tom Brooks

Owner: LEEANN, LLC

Location: 7400, 7402 Grade Lane and Block 639, Lot 76

Proposed Use: Plastic and Metal Recycling Facility

Engineers, Land Planners and
Landscape Architects: Miller Wihry

Requests: Change in Zoning from EZ-1 to M-3 with a
Conditional Use Permit (CUP)

INTRODUCTION

The applicant, Rusty Rooster Recycling, currently operates a metal and plastics recycling facility at the subject property with a Conditional Use Permit under Docket #14CUP1047 to allow indoor metal and plastics recycling. As the business has grown, the applicant desires to continue its operations with the addition of an outside recycling area. Opportunities exist in the Louisville Metro area for Rusty Rooster Recycling to grow which will serve companies like Alcoa and mills that build auto components and also the large metal processors like ISA and Freedom Metals. For purposes of this application, while this modification to the existing facility is much like a recycling operation, usually requiring a lower intensity zoning district, it is our understanding that DPDS staff told the applicant that it would be treated as though it is a scrap operation and so consequently needs M-3 zoning with a Conditional Use Permit. But it is nothing like the large Venture Metals that is located along Campground Road from this location, and it is also nothing like the large scrap metal operations that River Metals and ISA operate, using crusher, shredding and baling machines. This facility will focus entirely on receiving metal products, sorting them and then shipping them off to one of the larger dealers for further processing and ultimate distribution to one of the large metal users, such as Alcoa, or other manufacturer or mill.

GUIDELINE 1. SUBURBAN WORKPLACE

The subject property is located in a Suburban Workplace, which is a form characterized by various scale industrial employment uses. The existing Rusty Rooster Recycling facility utilizes an existing building where it currently operates. Both the existing building and current operation will remain in place just with the addition of outside recycling area. The application complies with this Form by virtue of use and also because it already operates the business on the site with indoor recycling and seeks to continue it in a small to medium scale fashion and intensity. Other similar recycling operations operate in the immediate vicinity. The proposed modification to the

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PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant: Rusty Rooster Recycling, c/o Tom Brooks

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Proposed Use: Plastic and Metal Recycling Facility

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Requests: Change in Zoning from EZ-1 to M-3 with a Conditional Use Permit (CUP)

The Louisville Metro Planning Commission, having previously heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on August 18, 2016 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

INTRODUCTORY STATEMENT

WHEREAS, the applicant, Rusty Rooster Recycling, currently operates a metal and plastics recycling facility at the subject property with a Conditional Use Permit under Docket #14CUP1047 to allow indoor metal and plastics recycling; as the business has grown, the applicant desires to continue its operations with the addition of outside recycling areas; opportunities exist in the Louisville Metro area for Rusty Rooster Recycling to grow which will serve companies like Alcoa and mills that build auto components and also the large metal processors like ISA and Freedom Metals; for purposes of this application, while this modification to the existing facility is much like a recycling operation, usually requiring a lower intensity zoning district, it is our understanding that DPDS staff told the applicant that it would be treated as though it is a scrap operation and so consequently needs M-3 zoning with a Conditional Use Permit; but it is nothing like the large Venture Metals that is located along Campground Road from this location, and it is also nothing like the large scrap metal operations that River Metals and ISA operate, using crusher, shredding and baling machines; and this facility will focus entirely on receiving metal products, sorting them and then shipping them off to one of the larger dealers for further processing and ultimate distribution to one of the large metal users, such as Alcoa, or other manufacturer or mill; and

GUIDELINE 1 - SUBURBAN WORKPLACE

WHEREAS, the subject property is located in a Suburban Workplace, which is a form characterized by various scale industrial employment uses; the existing Rusty Rooster Recycling

facility utilizes an existing building where it currently operates; both the existing building and current operation will remain in place just with the addition of outside recycling area; the application complies with this Form by virtue of use and also because it already operates the business on the site with indoor recycling and seeks to continue it in a small to medium scale fashion and intensity; with operations similar to other recycling operations in the immediate vicinity; the proposed modification to the operation is much less intensive than other larger scale operations where scrap is piled into mountains with less effective screening and buffering with more truck traffic than proposed in this case; at the Rusty Rooster Recycling facility only a few large trucks a week will go in and out, with smaller trucks, mainly pickup trucks, bringing smaller loads of metal materials in; and much of the material will be sorted and kept indoors as currently done, except the additional proposed storage areas; and

GUIDELINE 2 - CENTERS

WHEREAS, this Guideline encourages mixed land uses organized around compact activity centers that are existing, proposed or planned in order to promote efficient use of land and investment in existing infrastructure; the current Rusty Rooster Recycling facility is already located in a Workplace Form District that is compact in terms of many nearby industrial users; and the infrastructure is already in place for a facility of this kind, and what better location for an intense use like this than next to even more intense users; and

WHEREAS, Policies 1 and 2 of this Guideline suggest locating activity centers on collector level streets or when an activity center is already designated, meaning as obvious; this location is clearly a Workplace center of activity because of the fact that there are other businesses not unlike this one located nearby, and Grade Lane serves as a collector level street for these various businesses; and

GUIDELINE 3 - COMPATIBILITY

WHEREAS, this Guideline seeks to ensure that land uses are located, designed and constructed to be compatible with nearby land uses and to minimize impacts to residential areas and other sensitive areas in the community; this is done by allowing a mixture of land uses and densities near each other as long as they are designed to be compatible with each other and to prohibit the location of sensitive land uses in areas where accepted standards for noise, lighting, odors or similar nuisances are violated or where visual quality is significantly diminished; the expansion of the business at the Rusty Rooster Recycling facility, by locating in a center of intense industrial activity, where there are no residential uses immediately next door means that this facility will not have a negative impact on nearby residential areas; the rear of the property is the large train switching area such that no negative impact will result to this property; to the extent that it could if it generated noises, odors, etc., there might be more concern about compatibility; but this particular facility at this location is able to keep most of its storage and processing internalized with what takes place outside immediately put into sorter storage bins and then trucked off to a larger facility that an affiliate of this applicant owns north near Indianapolis, Indiana; even with no residential users located within the larger area, this applicant, as stated above, intends to improve the site, has recently added landscaping, will improve internal access, add an 8 foot tall opaque metal fence surrounding the entire site, and so forth and this facility will not generate noise because there won't be shredding or cutting or baling, and there will be no odors from and no burning of refuse; and

WHEREAS, Policies 1, 2 and 3 pertain to ways to mitigate adverse impacts on nearby residential or other business uses through compatible building design, use of certain building materials and so forth; the existing operation is compatible and will continue to operate, just with the changes noted for an outdoor storage area and this applicant will utilize the existing building; and

WHEREAS, Policies 5, 7, 8 and 9 specifically pertain to odors, noise, lighting and visual impacts; this Rusty Rooster Recycling facility will comply with these Policies of this Guideline as stated above because there will be no shredding, crushing or baling taking place within this operation, which means that noises will be nearly eliminated and will be the same as it is currently; also there are no noxious or hazardous substances involved and no burning which could cause odor or pollution problems; also the hours of operation will be the same as they are currently and not operated at night; consequently, lighting is only necessary for security purposes after hours and visually speaking, as stated above, the building and operation will remain as it is currently; and

GUIDELINES 4 AND 5 - OPEN SPACE AND NATURAL AREAS

WHEREAS, these Guidelines are intended to enhance the aesthetic quality of life in Metro Louisville and to protect natural areas; Policies 5 and 8 of Guideline 4 and 1 and 6 of Guideline 5 could apply, but for the fact that there will not be any open space or adverse impacts on natural features or soils and slopes, because none of those exist at the subject property; this is an already built site within the center of a heavy industrial area; as stated, it will be cleaned up, and landscaping will be added to enhance the aesthetic character; but what is ongoing and what will be done will not adversely impact, nor is there a possibility of requiring, open spaces or other natural features; and

GUIDELINE 6 - ECONOMIC GROWTH AND SUSTAINABILITY

WHEREAS, this Guideline intends to ensure the availability of necessary usable land to facilitate industrial development, to reduce public and private costs for land development and to ensure that workplaces and industrial uses have access to people, goods and services; specifically Policy 1 further seeks to preserve existing Workplaces, whereas Policies 10 and 11 seek to assure industrial redevelopment and adaptive reuse of older industrial facilities; the recycling center operation allow the reuse of materials that otherwise would be sent to a landfill; and

WHEREAS, the Rusty Rooster Recycling facility is an opportunity for a growth of jobs in this area by expansion of an existing successful business in Louisville in an area that is already designated for industrial development; the expansion of the current Rusty Rooster Recycling operation will help to better utilize older industrial areas where, through new investment, those existing facilities can be improved and expanded causing less negative impact on nearby residential uses; and

GUIDELINES 7 AND 8 - CIRCULATION AND TRANSPORTATION FACILITY DESIGN

WHEREAS, these Guidelines are intended to provide for the safe and proper functioning of street networks or to ensure that developments do not exceed the carrying capacity of streets, to address congestion and air quality issues, and to provide an efficient, safe and attractive system of roadways, transit routes and sidewalks; and

WHEREAS, the existing and proposed Rusty Rooster Recycling business is small scale in operation and will not add measurably to the existing traffic load on Grade Lane to and from which traffic relating to the site will travel; the streets in the area appear to have adequate traffic carrying capacity for the small additional traffic with the business expansion; and as shown on at hearing, only a couple of customer vehicles will be on site at any time with far more than adequate stacking capacity for proper circulation, which demonstrates there is no need for an additional center turn lane on Grade Lane due to the small size of this operation and limited customers per hour of operation; and

WHEREAS, Policies 1, 2, 6, 10, 11, 12 and 16 of Guideline 7 and Policies 7, 9, 10 and 11 of Guideline 8 all pertain to design of a facility, such as the Rusty Rooster Recycling facility, to assure that it functions in a way so as not to have adverse impacts on nearby properties or the existing road system; the existing Rusty Rooster Recycling facility will only have limited changes and complies with these Policies of these Guidelines because Grade Lane has adequate carrying capacity, and Grade Lane already handles the same kind of traffic that will be generated by the expansion of this business; again, because this property has been an existing business operation, the Rusty Rooster Recycling business expansion is not anticipated to cause any greater adverse impact on other businesses or residences within the area or on the existing street system and probably less than before; the parking lot is of adequate size; the site plan shows that there are adequate corner clearances and site distances; circulation through the site is also designed in a way that will assure compliance with Metro Works standards and earn its preliminary stamp of approval from the Metro Works Department; and Metro Works looks at such technical issues as circulation, access, impacts on streets, etc., and this application complies with those requirements; and

GUIDELINE 9 - BICYCLE, PEDESTRIAN AND TRANSIT

WHEREAS, this Guideline seeks to assure alternative forms of transportation access and utilization of a property; to the extent that transit is available in the area, this application complies; this is a Workplace where adaptive reuse of older industrial facilities is encouraged; it is unlikely, because of the specific nature of this use, that it will require bicycle or pedestrian accessibility; but to the extent required, these things are included on the development plan; and

GUIDELINES 10, 11 and 12 - FLOODING AND STORMWATER, WATER QUALITY AND AIR QUALITY

WHEREAS, these Guidelines are intended to minimize potentials for flooding and to effectively manage stormwater, to prevent water pollution and to prevent air quality degradation; in other words, these are some very specific environmental guidelines; and

WHEREAS, the proposed changes to the existing Rusty Rooster Recycling facility complies with these Guidelines and the Policies thereof for these, among other, reasons; the site is already completely paved, so the expansion of the use will not include any additional runoff; to the extent required by MSD, stormwater management engineering practices will be employed or other commitments made as required by MSD; because the site is already paved and, as stated above, there will be no hazardous or objectionable uses included within this property, it should not lead to water quality degradation; and because this existing Rusty Rooster Recycling facility is located in an older existing Workplace Form Area, commuting distances for employees will be reduced; and as it is located along Grade Lane with easy access to I-65 and I-265, distances for

trucks to travel from the interstate highway system to the facility and back again are shortened;
and

GUIDELINE 13 - LANDSCAPE CHARACTER

WHEREAS, this Guideline seeks to protect and enhance landscape character; as stated, this Rusty Rooster Recycling facility has already added the required landscaping for this request and as required by the current approved CUP; and

CONDITIONAL USE PERMIT GUIDELINES

The proposed expansion of the Rusty Rooster Recycling facility complies with all applicable requirements of this specific Conditional Use Permit category, except as for relief of the CUP requirement as required for technical site constraint reasons; and areas of compliance are detailed above and on the detailed district development plan submitted with this application; and

* * * * *

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books on the approved detailed district development plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from EZ-1 to M-3 and approves the Detailed District Development Plan and Conditional Use Permit.

e:\client folder\brooks, tom\grade lane\application\proposed findings of fact.doc