

# Board of Zoning Adjustment Staff Report

May 4, 2015



<b>Case No(s):</b>	14CUP1047
<b>Project Name:</b>	TWB, LLC
<b>Location:</b>	7400 Grade Lane
<b>Owner(s):</b>	Leeann, LLC
<b>Applicant(s):</b>	Leeann, LLC
<b>Representative(s):</b>	Joseph E. Blandford, Jr.
<b>Project Area/Size:</b>	2.81 acres
<b>Existing Zoning District:</b>	EZ-1, Enterprise Zone
<b>Existing Form District:</b>	SWC, Suburban Workplace Corridor
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	13 – Vicki Aubrey Welch
<b>Case Manager:</b>	Jon E. Crumbie, Planner II

## REQUEST

- Conditional Use Permit to allow an indoor recycling center in an EZ-1 Zoning District.

## CASE SUMMARY/BACKGROUND

The applicant is proposing an indoor recycling center for vinyl and metal products. There is a single structure on the property and it is sufficient for the proposal and will contain all administrative offices and machinery used in the various products. TWB, LLC intends to make some style changes to the structure to facilitate the metal recycling portion of the business, and they intend to install a scale for customers to drive upon. No new structures will be built.

## SITE CONTEXT

The site is rectangular in shape and located on the west side of Grade Lane. The site is flat and located in an industrial area.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Recycling	EZ-1	SWC
<b>Proposed</b>	Recycling	EZ-1	SWC
<b>Surrounding Properties</b>			
<b>North</b>	Industrial	EZ-1	SWC
<b>South</b>	Industrial	EZ-1	SWC
<b>East</b>	Landfill	M-3	SWC
<b>West</b>	Railroad	EZ-1	SWC

### PREVIOUS CASES ON SITE

There are no previous cases on the site.

### INTERESTED PARTY COMMENTS

Staff received several calls and emails concerning the proposal. The calls were neither for nor against, but wanted to make sure the proposal was going through the process.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMITS

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

STAFF: The proposal meets all applicable policies of the Comprehensive Plan. Lighting will not be added. The existing surface will be replaced by asphalt.

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, appearance, etc?

STAFF: The subject site is located in an industrial area that has a mix of uses. All the industrial uses in the area have similar, scale, intensity, traffic, noise, and lighting.

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: The proposal has been reviewed by Public Works and MSD and both have approved the plan. The Fairdale Fire Protection District did not comment on the proposal.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested? There are 8 requirements and all appear to have been met except item A. The applicant will need to explain if item A. has been met. These items were discussed at the pre-application meeting, but no written statement was submitted.

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).

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.

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.

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. **Hours of operation are 8:00a.m – 4:30p.m. Monday through Friday and 8:00a.m – 2:00p.m. Saturday and Sunday.**

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

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.

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.

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.

**TECHNICAL REVIEW**

- The applicant would like to implement the landscaping as shown on the site plan.
- Right-of-Way dedication is required for this proposal prior to final transmittal.

**STAFF CONCLUSIONS**

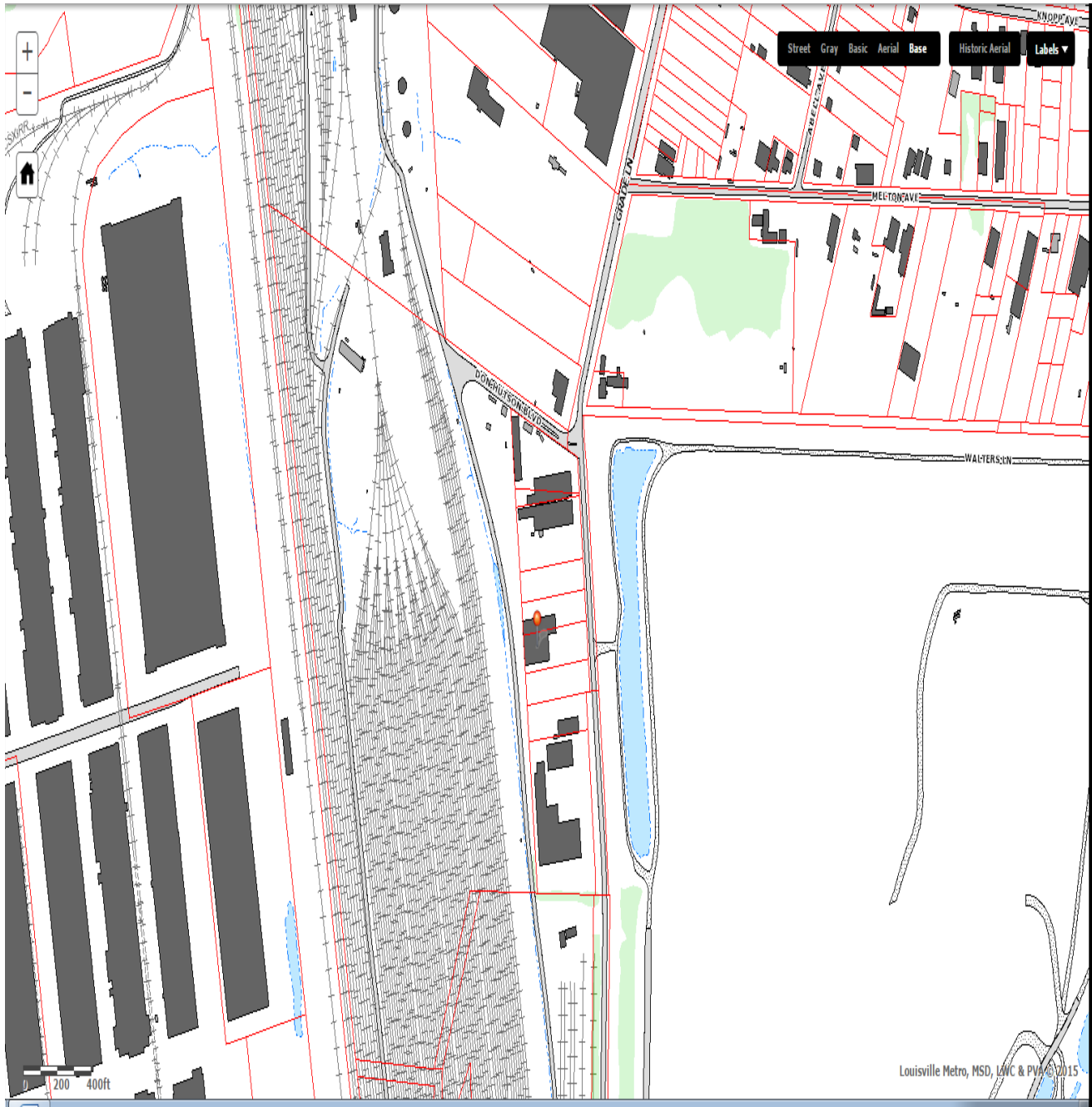
Based upon the information in the staff report, the testimony and evidence provided at the public hearing, BOZA must determine if the proposal meets the standards for granting the Conditional Use Permit as established in the LDC

**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
04/17/15	APO Notice	First tier adjoining property owners Neighborhood notification recipients
04/17/15	Sign Posting	Subject Property

**ATTACHMENTS**

1. Zoning Map



## 2. Aerial Photograph



3. Applicant's Justification Statement and Proposed Findings of Fact

**JOSEPH E. BLANDFORD, Jr.**  
**Attorney at Law**

**THE LANDWARD HOUSE**  
**1387 South Fourth Street**  
**Louisville, Kentucky 40208**  
**(502) 636-4615 \* (502) 634-9119**

email: [jeblaw@bellsouth.net](mailto:jeblaw@bellsouth.net)

March 30, 2015

Louisville Metro Planning & Design Services  
444 South 5th Street, Suite 300  
Louisville, Kentucky 40202

**Re: Condition Use Permit**  
**TWB, LLC.**  
**7400 - 7402 Grade Lane**

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Dear Sir or Madam,

I represent TWB, LLC., and Leeann, LLC., which are Kentucky limited liability companies operating at 7400 and 7402 Grade Lane.

The real property is held by Leeann, LLC. and the business operating thereon is TWB, LLC. The primary member of these businesses is Tom W. Brooks, Jr. Mr. Brooks has been involved in the recycling, and manufacturing of, Polyvinylchloride, or PVC, for over thirty years (30) here in Louisville.

Mr. Brooks purchased the property at Grade Lane approximately two years ago, and leased it for several years before that. The property has been used for PVC recycling, and recycling in general, since 1971.

The property consists of approximately 2.80 acres of land, more or less. This section of Grade Lane is very industrial; the backside of the property is owned by a railroad, and there are businesses on each side of the property. Directly across the street from 7400 Grade Lane is the Louisville landfill. A little further up Grade Lane are two different junk yard/metal recyclers, UPS, and part of the airport. There do not appear to be any residential properties on Grade Lane within one (1) mile of the proposed CUP.

The purpose of this CUP is twofold; first, Mr. Brooks learned last week that his property has not been issued a CUP for the vinyl recycling he is currently engaged in; second, Mr. Brooks would like to engage in metal recycling.

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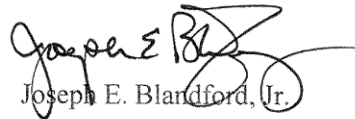
There is a single building on the property and it is sufficient for the proposed CUP and will contain all administrative offices and machinery used in the various processes. TWB intends to make some style changes to the building to facilitate the metal recycling portion of the business, and they intend to install a scale for customers to drive upon (less than four (4) feet in height), and it does not intend to build any new buildings or other structures. TWB currently has one (1) entrance, which is 28 feet wide. They will continue to use only one entrance, although if it is permissible, they may widen it by a few feet.

Vinyl recycling consists of the following: various types and grades of plastics are purchased and brought to the property. They are separated as necessary and then placed in a large grinder to be turned into pellets. These pellets are then sold to manufacturers of PVC pipe who use them to create pipe. Mr. Brooks is not engaged in any pipe manufacture at this location.

The metal recycling would consist of the following: TWB intends to collect metal, ferrous (iron based), non-ferrous (aluminum and composite metals) and automobiles for recycling. They do not intend to process the metals or to store them long term. Rather they have entered into an agreement with a local metal processor to sell the metal to them. Therefore, sellers will enter TWB property, drop their load of metal, get paid and leave. TWB will then take the metal, without any changes to the metal, other than perhaps crushing the metal to make it easier to transport, and will take it to another metal processor here in Louisville for sale. TWB would expect the metal to remain on its property no longer than 48 hours.

If you have any questions, please don't hesitate to contact me at the above number or address, or to contact Mr. Brooks at 502-558-3939.

Respectfully submitted,



Joseph E. Blandford, Jr.

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## Neighborhood Meeting Notification Letter

February 16, 2015

**To the Adjoining Property Owners, Neighborhood Group Representatives expressing interest in this area and Metro Councilperson for District 13.**

TWB, LLC. intends to submit a development proposal to request a zoning change for 7400 Grade Lane, Louisville, Kentucky.

The purpose of this proposal is twofold; first, TWB recently learned that this property has never been issued approval for the vinyl recycling currently being engaged in, and, second, TWB would like to engage in metal recycling.

There is a single building on the property and it is sufficient for the proposal and will contain all administrative offices and machinery used in the various processes. TWB intends to make some style changes to the building to facilitate the metal recycling portion of the business, and they intend to install a scale for customers to drive upon (less than four (4) feet in height), and it does not intend to build any new buildings or other structures. TWB currently has one (1) entrance, which is 28 feet wide. They will continue to use only one entrance, although if it is permissible, they may widen it by a few feet.

Vinyl recycling consists of the following: various types and grades of plastics are purchased and brought to the property. They are separated as necessary and then placed in a large grinder to be turned into pellets. These pellets are sold to manufacturers turn them into PVC pipe. TWB is not engaged in any pipe manufacture.

The metal recycling would consist of the following: TWB will collect metal, ferrous (iron based), non-ferrous (aluminum and composite metals) and automobiles for recycling. They do not intend to process the metals or to store them long term on the property. Sellers will enter TWB property, unload the metal, get paid and leave. TWB will then take the metal to a processor for sale. TWB would expect the metal to remain on its property no longer than 48 hours.

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In accordance with the procedures of Louisville Metro Planning and Design Services, TWB has been directed to invite you to discuss this proposal before an application can be filed. This will be an informal meeting to give you the opportunity to review the proposed plan and discuss the proposal with the developer or his/her representative. This meeting will be held in addition to the established public meeting procedures of the Planning Commission and/or the Board of Zoning Adjustment.

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The meeting to discuss this development proposal will be held on:

February 27, 2015,  
at 1:00 p.m.

at the offices of

**TWB, LLC.**  
**7400 Grade Lane**  
**Louisville, Kentucky 40218**

At this meeting, the developer and its representatives will explain the proposal and then discuss any concerns you have. We encourage you to attend this meeting and to share your thoughts.

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**NEIGHBORHOOD MEETING**  
**7400 Grade Lane**  
**Louisville, Kentucky 40219**

Agenda: Development proposal for 7400 Grade Lane, Louisville, Kentucky 40219  
Date: February 27, 2015  
Location: 7400 Grade Lane, Louisville, Kentucky 40219  
Case No.: 14CUP1047

Pursuant to the notice of Neighborhood Meeting mailed on February 16, 2015, a meeting was held at the above location to discuss the proposal with any interested person or entity.

The meeting began at 1:05 p.m. and concluded at 1:55 p.m. In attendance at the meeting were the following representatives of TWB, LLC. d/b/a Rusty Rooster Recycling: Tom Brooks, Jr., Tom Brooks, III, and Brook Brooks. Also in attendance were John Miller, Miller & Wihry MWB, LLC., and Joseph E. Blandford, Jr., Attorney.

A roll call sheet was passed around and all members of the public or other interested parties were asked to sign, and did sign, indicating their attendance.

The following topics were discussed at the meeting:

1. description of current operations at the location;
2. proposed changes to the facility;
3. types of metal to be accepted;
4. traffic concerns;
5. installation of security and cameras at the facility;
6. theft concerns; and,
7. changes to the property, i.e., right of way, installation of berm, etc.

Comments from the guests primarily focused on the license process and questions/comments regarding the fence.

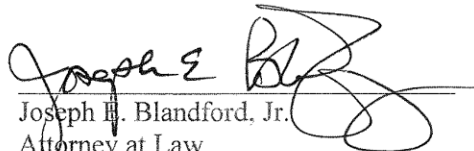
At the conclusion of the presentation and discussion of any and all questions put forth by the guests, the meeting was concluded.

Meeting Secretary,

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Joseph E. Blandford, Jr.  
Attorney at Law  
1387 S. Fourth Street  
Louisville, Kentucky 40208  
502-636-4615

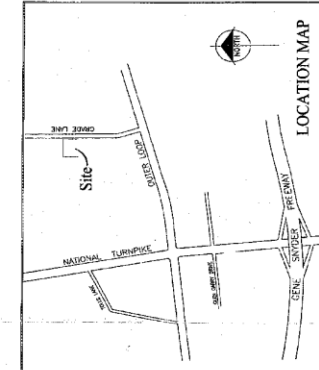
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7400 Grade Lane, Louisville, Ky 2/27/15 1:05p.m

Name	Street Address	Zip	Phone	Email
Bud Gatto	4568 Melton	40219	368-4040	

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**PRELIMINARY APPROVAL DEVELOPMENT PLAN**  
 SUBMITTED TO: *Michael J. A. ...*  
 BY: *Miller • Wherry*  
 CONSULTING ENGINEER, METRO PUBLIC WORKS

**PROJECT DATA**  
 EXISTING ZONING: EZ-1  
 EXISTING FORM DISTRICT: SUBURBAN WORKPLACE  
 TOTAL SITE AREA: 2.81 ACRES 122,235 SF  
 EXISTING LAND USE: PLASTICS RECYCLING CENTER  
 PROPOSED LAND USE: PLASTICS & METALS RECYCLING CENTER  
 EXISTING & PROPOSED TOTAL BUILDING AREA: 23,840 SF  
 EXISTING & PROPOSED FAR: 0.19  
 VUA: 94,888 SF

**PARKING CALCULATION:**  
 REQUIRED PARKING: MAXIMUM - 1 PER MAX SHIFT EMPLOYEES (10) : 10 SPACES  
 MINIMUM - 1 PER 1.5 MAX. SHIFT EMPLOYEES (7) : 7 SPACES  
 PROPOSED PARKING: 10 PARKING SPACES

**TREE CANOPY CALCULATION:** TRADITIONAL WORKPLACE CLASS C  
 NO NEW TREE CANOPY REQUIRED AS THERE IS NO NEW IMPERVIOUS AREA  
 NO FREESTANDING SIGN EXISTING OR PROPOSED.

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FOR CASE # 14CUP1047

**CONDITIONAL USE PERMIT PLAN**  
**TWB LLC**  
 7400 Grade Lane, Louisville, KY 40213  
 DATED BOOK 9831, PAGE 213 TAX BLOCK 033, LOTS 0076, 0077 & 0078  
 PARCEL ID: 23-083-0076-0000 PARCEL ID: 23-083-0077-0000 PARCEL ID: 23-083-0078-0000

**Owner/Developer: TWB LLC**  
 7400 Grade Lane, Louisville, KY 40213

REVISION	DATE	BY

SCALE  
 1" = 30'

DATE  
 3-11-2015



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 PRELIMINARY APPROVAL  
 METRO PUBLIC WORKS

FOR CASE # 14CUP1047

**MILLER • WHERRY**  
 Land Planners • Engineers • Surveyors  
 2673 Outer Loop, Louisville, KY 40213

**LEGEND**

Showing	Proposed
EXISTING CURBLINE	
SEAL FENCE	
WALL V. OVERHEAD ELECTRIC	
CORNERED CORNER	
UTILITY MARKER	
WATER MAINING FLOW	
SEWER MAIN	
LIGHT POLE	
RAIL PROTECTION	
TREES	

**GENERAL NOTES**

- EXISTING UTILITIES SHOWN TO BE UNLINED BY THE CITY PLAN.
- CONTRACTOR SHALL VERIFY ALL UTILITIES AND RECORD THEM WITH A CERTIFIED SURVEYOR.
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**WORKS NOTES**

- CONTRACTOR SHALL VERIFY ALL UTILITIES AND RECORD THEM WITH A CERTIFIED SURVEYOR.
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**HEALTH DEPT. NOTES**

- ALL UTILITIES SHALL BE VERIFIED AND RECORDED WITH A CERTIFIED SURVEYOR.
- CONTRACTOR SHALL VERIFY ALL UTILITIES AND RECORD THEM WITH A CERTIFIED SURVEYOR.
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**LAND NOTES**

- ALL UTILITIES SHALL BE VERIFIED AND RECORDED WITH A CERTIFIED SURVEYOR.
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**14CUP1047**

**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 an indoor recycling center without further review and approval by the Board.