

**Board of Zoning Adjustment
Staff Report**
June 20, 2016



Case No(s):	16CUP1008
Project Name:	None
Location:	4122 Ralph Avenue
Owner(s):	Patricia Bryan Revocable Trust
Applicant(s):	Addelhafid Magouh
Representative(s):	Cliff Ashburner, Mark Madison
Project Area/Size:	0.78 acres
Existing Zoning District:	EZ-1, Enterprise Zone
Existing Form District:	SW, Suburban Workplace Form District
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

REQUESTS

- Conditional Use Permit to allow an indoor recycling center (tire shredding facility) in a EZ-1 zoning district
- Waiver to reduce the required landscape buffer area along the roadway.

Location	Requirement	Request	Waiver
Camp Ground Road/Ralph Avenue	10'	5'	5'

CASE SUMMARY/BACKGROUND

The applicant is proposing to expand an existing structure on site to allow for indoor recycling. The operation will include only one step of the recycling process, shredding. Tires will arrive whole, be shredded and then loaded into the vehicles to go to other recycling facilities or end users. There will be one to two trucks a day.

SITE CONTEXT

The site is irregular in shape and located on the southeast corner of Ralph Avenue and Camp Ground Road. The site is surrounded by industrial uses to the north, south, east, and west.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant Industrial	EZ-1	SW
Proposed	Indoor Recycling	EZ-1	SW
Surrounding Properties			
North	Industrial	EZ-1	SW
South	Industrial	EZ-1	SW
East	Industrial	EZ-1	SW
West	Industrial	EZ-1	SW

PREVIOUS CASES ON SITE

There are no previous cases on this site.

INTERESTED PARTY COMMENTS

Staff did not receive any interested party comments.

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 preserves and renovates an existing structure and will incorporate building design that is consistent with the surrounding industrial area. All lighting and landscaping will be code compliant.

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 proposal is compatible with the general character of the surrounding neighborhoods in terms of height, scale, intensity, lighting, noise and appearance.

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 Louisville Fire District #1 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 items in the listed requirements for indoor recycling. Items C., 3. b., and c. will be met.

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 subsections. 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). **The site cannot be issued a license until all zoning issues have been resolved.**

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.

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. **The loading area will be outside the building facing Ralph Avenue.**

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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (Camp Ground Road/Ralph Avenue)

(a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since the landscape requirements will be met.

(b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the reduction will allow the drive aisle to be maximized for loading and truck maneuvering.

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of land because a portion of the drive aisle would have to be eliminated.

TECHNICAL REVIEW

The applicant will need to state the business hours of operation.

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 and landscape waiver as established in the LDC.

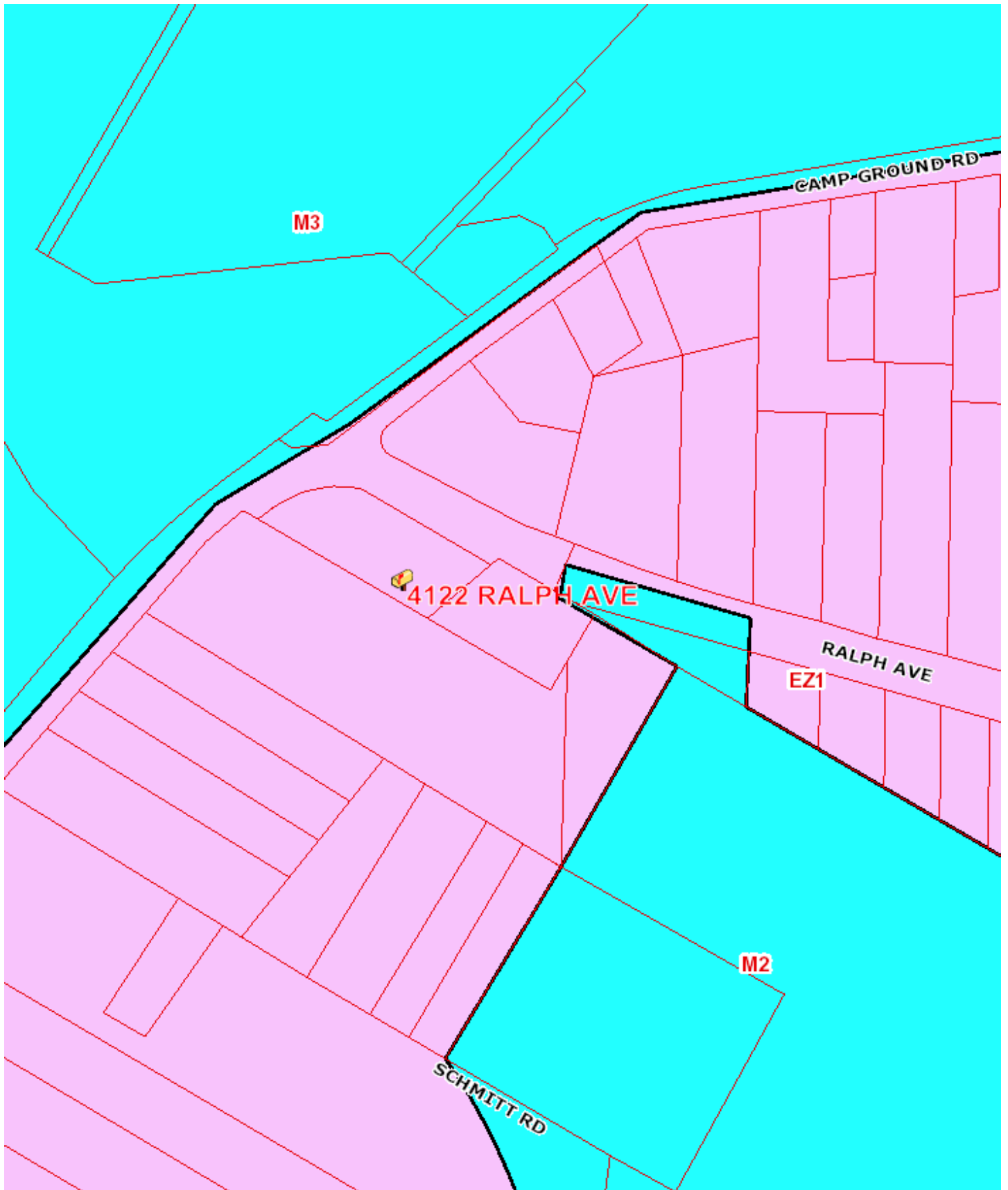
NOTIFICATION

Date	Purpose of Notice	Recipients
6/3/16	APO Notice	First tier adjoining property owners Neighborhood notification recipients
6/3/16	Sign Posting	Subject Property

ATTACHMENTS

1. Zoning Map
2. Aerial Map
3. Justification Statement/Business Plan
4. Neighborhood Meeting
5. Elevations
6. Site Plan
7. Conditions of Approval

1. Zoning Map



2. Aerial Photograph



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

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. Will the waiver adversely affect adjacent property owners?

The waiver will not adversely affect adjoining property owners. Currently, the site is not landscaped in any way. The applicant will provide plant material and a 5' Landscape Buffer area to screen maneuvering and parking areas within the site. The subject property is also in an industrial area with few properties that have been brought up to contemporary standards.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan. The subject property will be used for indoor recycling, fostering sustainable business practices. The subject property will also be, at the conclusion of the redevelopment effort, more in keeping with Cornerstone 2020 and the Land Development Code than the existing condition.

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3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

The extent of the waiver is the minimum necessary to afford relief to the applicant. The applicant is proposing to provide as much landscaping as possible along Ralph Avenue in light of the need to maneuver vehicles around the proposed building. The odd shape of the site also contributes to the lack of room for a larger buffer area.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land. The subject property is ideally located for the proposed use but the proposed use requires maneuvering area on the site that constricts the area available for buffers.

16CUP1013

February 29, 2016

Emily Liu
Director of Planning and Design Services
Louisville Metro
444 S. Fifth St.
Louisville, KY 40202

Re: Property at 4122 Ralph Avenue

Dear Emily:

We are writing on behalf of Abdelhafid Magough regarding property located at 4122 Ralph Avenue. The subject property is zoned EZ-1. The proposal is to allow for the expansion of an existing building on the subject property and to allow the expanded building's use for tire shredding. The proposal seeks a conditional use permit under LDC § 4.2.50 as an Indoor Recycling Facility. The operation will include only one step of the recycling process, shredding. Tires will arrive whole, be shredded and then loaded into the vehicles to go to other recycling facilities or end users. Please review the enclosed plan and contact me when the department is ready for a pre-application conference.

Very truly yours,



Clifford H. Ashburner

Cc: Larry Dekay, United Realty
Abdelhafid Magough
Mark Madison, Milestone Design Group

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March 2, 2016

Dear Neighbor:

Abdelhafid Magough is planning to file for a Conditional Use Permit for the property located at 4122 Ralph Avenue. The proposal is to allow for the expansion of an existing building on the subject property and to allow the expanded building's use for tire shredding. The proposal seeks a conditional use permit under LDC § 4.2.50 as an Indoor Recycling Facility. The operation will include only one step of the recycling process, shredding. Tires will arrive whole, be shredded and then loaded into the vehicles to go to other recycling facilities or end users.

We are inviting adjoining property owners and neighborhood group representatives to discuss this proposal before filing the application. This will be an informal meeting to give you the opportunity to review the proposed plan and provide your comments to us.

The meeting to discuss this proposal will be held on Monday, March 14, 2016 at 6:00 p.m. at the Lake Dreamland Fire Department, Station #1, 4603 Cane Run Road, Louisville, KY 40216.

Sincerely,



Clifford H. Ashburner

cc: Larry Dekay, United Realty
Abdelhafid Magough
Mark Madison, Milestone Design Group

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16 CUP 1008

**MEETING NOTES
FROM NEIGHBORHOOD MEETING
4122 Ralph Avenue – 16CUP1008
March 14, 2016 at 6:00**

The meeting was noticed to be held at the Lake Dreamland Fire Department at 4603 Cane Run Road, Louisville, KY 40216, on March 14, 2016 to begin at 6:00 p.m. Those in attendance included applicant, Abdelhafid Magouh, Larry DeKay of United Real Estate, Mark Madison of Milestone Design and Chief Fred George of the Fire Department. No one else was in attendance for the meeting, so discussions regarding this project did not proceed.

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16 CUP 1008

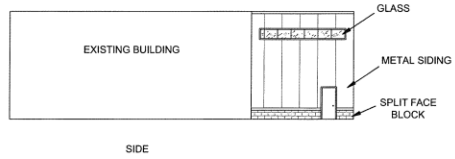
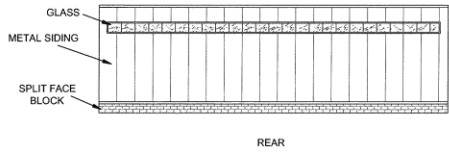
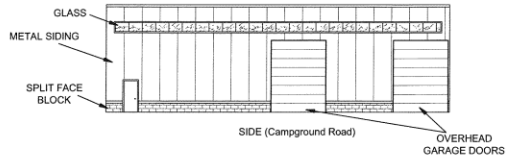
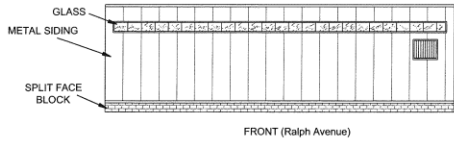
MEETING SIGN IN SHEET

Property: 4122 Ralph Ave
 Case No.: 16CUP1008
 Date of Meeting: March 14, 2016 at
 Location: Fire Department, 4603 Cane Run Road, Louisville, Ky

NAME (Please print)	ADDRESS	EMAIL/ PHONE #
ABDELHAFID MAGOUB	11500 FALLING BROOKS DR Louisville Ky 40249	502 648 7202 tamasint57@gmail.com
LARRY DEKAY	101 Bullitt Ln STE 110 Louisville KY 40222	LARRY@TBOWT.COM 502-303-7926
Mark Madison	108 Daventry Lane # 300, Louisville, Ky 40223	markmadison@ miles to no design.org 502-327-7073
Fred George	4603 Cane Run Louisville, KY 40216	chief@laxedr.comland fire.com

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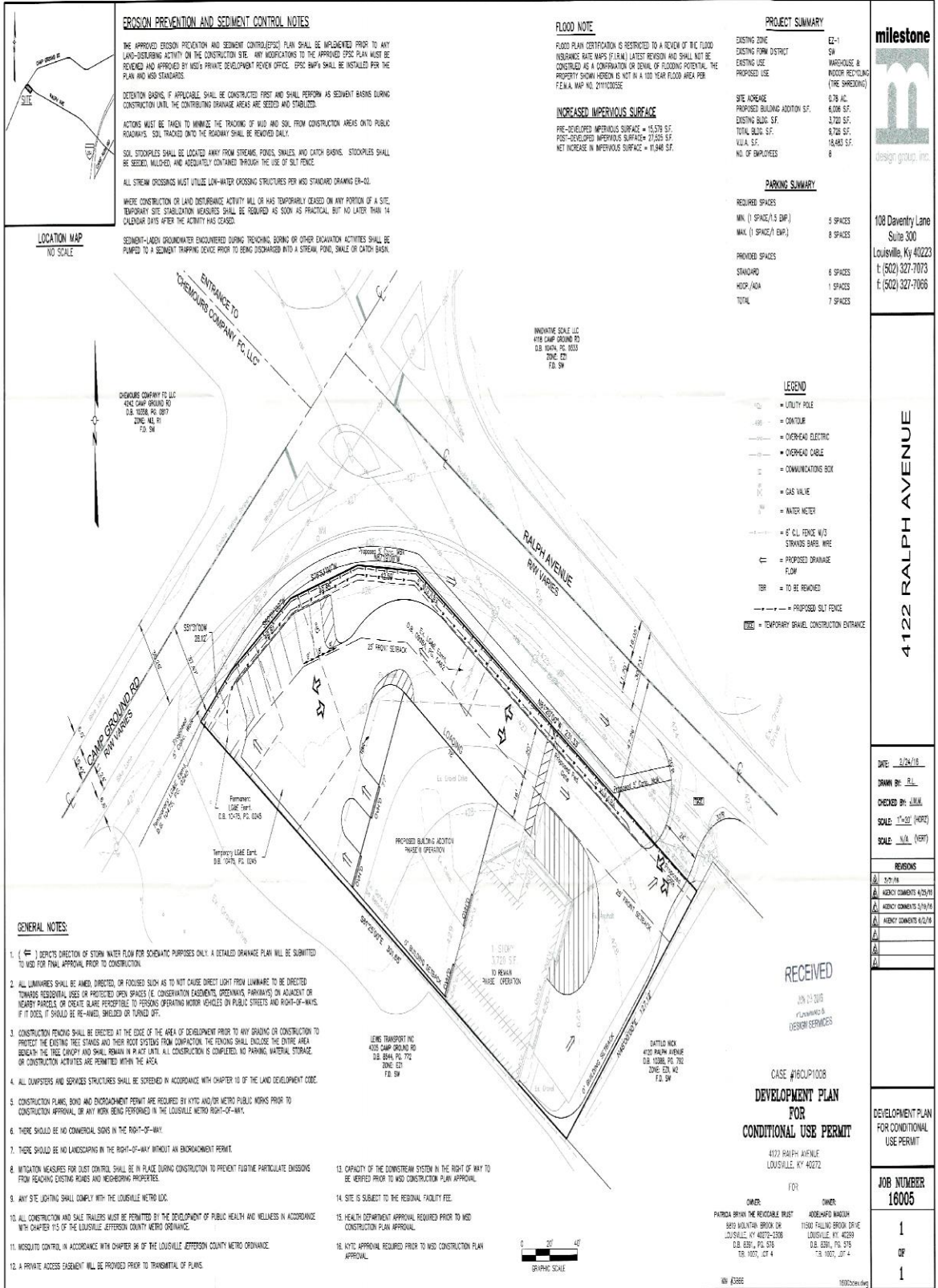
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BUILDING ADDITION
 CASE # 16CUP1008
 6/3/2016

16 CUP 1008



EROSION PREVENTION AND SEDIMENT CONTROL NOTES

THE APPROVED EROSION PREVENTION AND SEDIMENT CONTROL (EPPSC) PLAN SHALL BE IMPLEMENTED PRIOR TO ANY LAND-DISTURBING ACTIVITY ON THE CONSTRUCTION SITE. ANY MODIFICATIONS TO THE APPROVED EPPSC PLAN MUST BE REVIEWED AND APPROVED BY MISSOURI PRIVATE DEVELOPMENT REVIEW OFFICE. EPPSC BMPs SHALL BE INSTALLED PER THE PLAN AND MISSOURI STANDARDS.

DETENTION BASINS, IF APPLICABLE, SHALL BE CONSTRUCTED FIRST AND SHALL PERFORM AS SEDIMENT BASINS DURING CONSTRUCTION UNTIL THE CONTRIBUTING DRAINAGE AREAS ARE SEEDED AND STABILIZED.

ACTIONS MUST BE TAKEN TO MINIMIZE THE TRACKING OF MUD AND SOIL FROM CONSTRUCTION AREAS ONTO PUBLIC ROADWAYS. SOIL TRACKED ONTO THE ROADWAY SHALL BE REMOVED DAILY.

SOIL STOCKPILES SHALL BE LOCATED AWAY FROM STREAMS, PONDS, SHALES, AND CATCH BASINS. STOCKPILES SHALL BE SEEDED, MULCHED, AND ADEQUATELY CONTAINED THROUGH THE USE OF SOIL FENCE.

ALL STREAM CROSSINGS MUST UTILIZE LOW-WATER CROSSING STRUCTURES PER MISSOURI STANDARD DRAWING ER-02.

WHERE CONSTRUCTION OR LAND DISTURBANCE ACTIVITY WILL OR HAS TEMPORARILY CEASED ON ANY PORTION OF A SITE, TEMPORARY SITE STABILIZATION MEASURES SHALL BE REQUIRED AS SOON AS PRACTICAL, BUT NO LATER THAN 14 CALENDAR DAYS AFTER THE ACTIVITY HAS CEASED.

SEDIMENT-LADEN GROUNDWATER ENCOUNTERED DURING TRENCHING, BORING OR OTHER EXCAVATION ACTIVITIES SHALL BE PUMPED TO A SEDIMENT TRAPPING DEVICE PRIOR TO BEING DISCHARGED INTO A STREAM, POND, SHALE OR CATCH BASIN.

FLOOD NOTE

FLOOD PLAN CERTIFICATION IS RESTRICTED TO A REVIEW OF N.C. FLOOD INSURANCE RATE MAPS (FIRM) LATEST REVISION AND SHALL NOT BE CONSIDERED AS A CORROBORATION OR DENIAL OF FLOODING POTENTIAL. THE PROPERTY SHOWN HEREIN IS NOT IN A 100 YEAR FLOOD AREA PER F.E.A.M. MAP NO. 201010055E.

INCREASED IMPERVIOUS SURFACE

PRE-DEVELOPED IMPERVIOUS SURFACE = 15,576 SF.
 POST-DEVELOPED IMPERVIOUS SURFACE = 23,205 SF.
 NET INCREASE IN IMPERVIOUS SURFACE = 7,629 SF.

PROJECT SUMMARY

EXISTING ZONE	E2-1
EXISTING FIRM DISTRICT	SF
EXISTING USE	WAREHOUSE & INDOOR RECYCLING (THE SHREDDING)
PROPOSED USE	
SITE AREA	0.78 AC.
PROPOSED BUILDING ADDITION SF.	6,006 SF.
EXISTING BLDG. SF.	3,720 SF.
TOTAL BLDG. SF.	9,726 SF.
V.I.A. S.F.	18,483 SF.
NO. OF EMPLOYEES	8

PARKING SUMMARY

REQUIRED SPACES	
MIN. (1 SPACE/1.5 EMP.)	5 SPACES
MAX. (1 SPACE/1 EMP.)	8 SPACES
PROVIDED SPACES	
STANDARD	6 SPACES
HICUP/ADA	1 SPACE
TOTAL	7 SPACES

LEGEND

- = UTILITY POLE
- = CONTOUR
- = OVERHEAD ELECTRIC
- = OVERHEAD CABLE
- = COMMUNICATIONS BOX
- = GAS VALVE
- = WATER METER
- = 6" ALL FENCE W/10 STRANDS BARS W/RE
- = PROPOSED DRAINAGE FLOW
- = TO BE REMOVED
- = PROPOSED SOIL FENCE
- = TEMPORARY GRAVEL CONSTRUCTION ENTRANCE

LOCATION MAP
NO SCALE

milestone

design group, inc.

108 Daventry Lane
 Suite 300
 Louisville, Ky 40223
 t: (502) 327-7073
 f: (502) 327-7066

4122 RALPH AVENUE

DATE: 3/24/16
 DRAWN BY: JLL
 CHECKED BY: JLLM
 SCALE: 1"=50' (HORIZ)
 SCALE: N/A (VERT)

REVISIONS

1	3/24/16
2	4/29/16
3	5/19/16
4	6/16/16
5	
6	
7	

DEVELOPMENT PLAN FOR CONDITIONAL USE PERMIT

JOB NUMBER
16005

1
OF
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GENERAL NOTES:

1. () INDICATES DIRECTION OF STORM WATER FLOW FOR SCHEMATIC PURPOSES ONLY. A DETAILED DRAINAGE PLAN WILL BE SUBMITTED TO MISSOURI PRIVATE DEVELOPMENT REVIEW OFFICE FOR FINAL APPROVAL PRIOR TO CONSTRUCTION.
2. ALL LUMINAIRES SHALL BE AIMED, DIRECTED, OR FROOLED SUCH AS TO NOT CAUSE DIRECT LIGHT FROM LUMINAIRE TO BE DIRECTED TOWARD RESIDENTIAL USES OR PROTECTED OPEN SPACES (E. CONSERVATION EASEMENTS, GREENWAYS, PARKWAYS) ON ADJACENT OR NEARBY PARCELS, OR CREATE ALARE PERCEPTIBLE TO PERSONS OPERATING MOTOR VEHICLES ON PUBLIC STREETS AND RIGHT-OF-WAYS. IF IT DOES, IT SHOULD BE RE-AIMED, SHIELDED OR TURNED OFF.
3. CONSTRUCTION FENCING SHALL BE ERRECTED AT THE EDGE OF THE AREA OF DEVELOPMENT PRIOR TO ANY GRADING OR CONSTRUCTION TO PROTECT THE EXISTING TREE STANDS AND THEIR ROOT SYSTEMS FROM COMPACTION. THE FENCING SHALL ENCLOSE THE ENTIRE AREA BENEATH THE TREE CANOPY AND SHALL REMAIN IN PLACE UNTIL ALL CONSTRUCTION IS COMPLETED. NO PARKING, MATERIAL STORAGE, OR CONSTRUCTION ACTIVITIES ARE PERMITTED WITHIN THE AREA.
4. ALL DUMPSTERS AND SERVICES STRUCTURES SHALL BE SCREENED IN ACCORDANCE WITH CHAPTER 10 OF THE LAND DEVELOPMENT CODE.
5. CONSTRUCTION PLANS, BOND AND ENCROACHMENT PERMIT ARE REQUIRED BY KYVO AND/OR METRO PUBLIC WORKS PRIOR TO CONSTRUCTION APPROVAL, OR ANY WORK BEING PERFORMED IN THE LOUISVILLE METRO RIGHT-OF-WAY.
6. THERE SHOULD BE NO COMMERCIAL SIGNS IN THE RIGHT-OF-WAY.
7. THERE SHOULD BE NO LANDSCAPING IN THE RIGHT-OF-WAY WITHOUT AN ENCROACHMENT PERMIT.
8. MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE PARTICULATE EMISSIONS FROM READING EXISTING PLANS AND NEIGHBORING PROPERTIES.
9. ANY SITE LIGHTING SHALL COMPLY WITH THE LOUISVILLE METRO LDC.
10. ALL CONSTRUCTION AND SALE TRAILERS MUST BE PERMITTED BY THE DEPARTMENT OF PUBLIC HEALTH AND WELFARE IN ACCORDANCE WITH CHAPTER 115 OF THE LOUISVILLE-JEFFERSON COUNTY METRO ORDINANCE.
11. MOSQUITO CONTROL IN ACCORDANCE WITH CHAPTER 36 OF THE LOUISVILLE-JEFFERSON COUNTY METRO ORDINANCE.
12. A PRIVATE ACCESS AGREEMENT WILL BE PROVIDED PRIOR TO TRANSMITTAL OF PLANS.
13. CAPACITY OF THE DOWNSTEAM SYSTEM IN THE RIGHT OF WAY TO BE VERIFIED PRIOR TO MISSOURI PRIVATE DEVELOPMENT REVIEW OFFICE APPROVAL.
14. SITE IS SUBJECT TO THE REGIONAL FACILITY FEE.
15. HEALTH DEPARTMENT APPROVAL REQUIRED PRIOR TO MISSOURI PRIVATE DEVELOPMENT REVIEW OFFICE APPROVAL.
16. KYVO APPROVAL REQUIRED PRIOR TO MISSOURI PRIVATE DEVELOPMENT REVIEW OFFICE APPROVAL.

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CASE #16CUP1008
DEVELOPMENT PLAN FOR CONDITIONAL USE PERMIT

4122 RALPH AVENUE
 LOUISVILLE, KY 40222

OWNER: PATRICIA BRYAN THE RECREABLE TRUST
 5402 VOLUNTARY BROOK DR
 LOUISVILLE, KY 40272-2300
 D.B. 0304, PLS. 276
 F.B. 1025, CT 4

OWNER: ARDENHARD MADSON
 11500 FALLING BROOK DR E
 LOUISVILLE, KY 40229
 D.B. 0304, PLS. 276
 F.B. 1025, CT 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 an indoor recycling center without further review and approval by the Board.