

STAFF REPORT FOR CONDITIONAL USE REQUESTED FROM PLANNING COMMISSION

MARC 2013-8: MMA MANAGEMENT. LLC

REQUESTED CONDITIONAL USES

1. Yard for storage of dismantled or partially dismantled automobiles
2. Junk Yard

ZONING ORDINANCE

Article 6-4(c) states: "The Planning Commission may hear and act upon requested conditional uses and variances associated with a zone change. If the Planning Commission should choose to hear a conditional use or variance request, the Planning Commission shall have all of the powers and responsibilities of the Board of Adjustment, as defined in Articles 7-6(a) and 7-6(b) of the Zoning Ordinance. All conditional use and variance applications shall be acted upon by the Planning Commission within ninety (90) days of the application, unless postponed further by the applicant."

Article 1-11 defines a "junk yard" as "an outdoor area where waste or discarded or salvaged materials or inoperable vehicles are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including auto wrecking yards, used lumber yards and places or yards for use of salvaged house wrecking and structural steel materials and equipment; but excluding such uses when conducted entirely within a completely enclosed building. A junk yard does not include recycling drop-off centers, pawn shops, establishments for the sale, purchase or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment; the processing of used, discarded or salvaged materials as part of manufacturing operations; and vehicle storage yards."

Article 8-23(d)21 states that a junk yard is permitted as a conditional use in the I-2 zone.

Article 8-23(d)31 states that a yard for storage of dismantled, or partially dismantled, automobiles is permitted as a conditional use in the I-2 zone.

Article 8-23(o)3 requires that all outdoor storage and working areas (except accessory parking) shall be enclosed by a solid wall or fence, not less than six feet in height.

CASE REVIEW

The appellant is requesting a conditional use permit for a use that they describe as a "vehicular recycling center," which is most similar to our Zoning Ordinance definitions for a junk yard and/or a yard for dismantled, or partially dismantled, automobiles. Both are conditional uses in the Heavy Industrial (I-2) zone, but neither use is allowed in the Light Industrial (I-1) zone.

This request for a conditional use is filed in conjunction with a zone change request from the existing I-1 zone to a proposed I-2 zone. As with all conditional use and variance applications, this report considers the appropriateness of the conditional use portion of this request as if the I-2 zoning were already approved. This permits each potential issue to be considered in the context of a single public hearing on each property.

When a conditional use is requested in conjunction with a zone change, the Planning Commission takes on the role and responsibilities of the Board of Adjustment. The criteria necessary to evaluate conditional use requests are much different than those required for a zone change. In evaluating a conditional use, the Commission must consider if the applicant can conduct the proposed use without adversely affecting the surrounding properties; if there is adequate public infrastructure to support the use; and if any special conditions or limitations are necessary to ensure that the requested use is appropriate.

Pull-A-Part is proposing to utilize about ½ of the Hougham Property, being a 20-acre tract located along the railroad tracks. Although the site currently has an Alexandria Drive address, it will be accessed via an extension of Enterprise Court, a public street from the Enterprise Business Park, located off of Old Frankfort Pike. At the present time, the road will only be extended to Pull-A-Part's entrance with the development of the subject property. An extension of this road is planned with the future development of the remaining I-1 half of the property. The planned extension of Enterprise Court to the single Pull-A-Part entrance appears to be adequate to serve the proposed conditional use. Traffic (which is appropriately routed through the business park and not Alexandria Drive) is expected to be generated both by customers and large trucks used to haul the vehicles into and out of the site. Having a single access point to a 20-acre user is out of the ordinary; however, after consultation with the Division of Fire the proposed access is sufficient to serve this proposed conditional use.

The applicant has stated that when a vehicle that is no longer operable is first brought onto the facility, it is drained of all fluids, including anti-freeze, motor oil, power steering fluid, transmission fluid, and gasoline. The fluids are separated and recycled. Then the car is stored on the property for approximately 90 days while its parts are removed by customers. The cars are then crushed and transported off site to a facility, where the metal is subsequently shredded and recycled.

There are three distinct areas of operation of this use. The first is the main sales building and associated customer parking lot. All customers are routed through the main sales building to locate their part and ultimately purchase it after they have removed it from the vehicle. The bulk of the property (about 15 of the 20 acres) is dedicated to the graveled storage area for the partially dismantled vehicles, which is an allowable conditional use in the I-2 zone. The Zoning Ordinance requires a minimum 6-foot tall solid fence or wall around all outdoor storage areas. The applicant has proposed an eight foot opaque fence around the property, which will need to be designed to meet the minimum standards for a "solid" fence. The final area shown on the development plan is for the processing of the vehicles. Although not completely clear in the application, the staff confirmed with the applicant that this is an "employee-only" area where the fluids are drained, cars are crushed, and other processing operations occur. It is these operations that require the conditional use of a "junk yard" rather than simply the storage of the partially dismantled vehicles. The applicant only proposes to operate a small portion of the uses allowed as a junk yard; and approval of this application should be restricted to automobiles rather than the host of other materials, such as used lumber and building salvage, that are within the definition of a "junk yard" in the Zoning Ordinance.

The processing portion of this application is proposed to be located near the railroad tracks, and except for future uses across the street, would be well buffered from the surrounding Light Industrial (I-1) uses as possible. The nearest non-industrial property is nearly 1,500 feet away and the placement of the processing area should minimize the potential noise impact on non-industrial zoned properties.

The prevailing soil types for this property are Maury Silt Loam and McAfee Silt Loam, both of which being a type of clay soils that are typically well drained. Two small detention basins are proposed to meet the stormwater needs for this development. This site will need to meet the Engineering Stormwater Manual's requirements for both the quantity and quality of stormwater that is released from this site. The staff has one concern regarding this use and how it relates to potential pollution. It has recently been discovered that there is a spring-fed pond on the remaining I-1 portion of the Hougham property. Although no sinkholes or other karst features are identified in this area, it is obvious that there is an existing groundwater source near the surface. Pull-A-Part's practice of completely draining every vehicle of all fluids is a necessary step toward protecting the area's groundwater; but with such a large gravel area dedicated to the storage of partially dismantled vehicles, it would be wise to obtain an assessment and recommendation from a qualified environmental professional regarding the type of surface or the type of stormwater basin to be used for the storage area prior to the approval of a final development plan.

Provided that the spring will be protected, a cautious approval recommendation is offered for this proposed use. It does seem to be well situated to have no adverse impact on any non-industrial neighbors. Both the amount and type of traffic anticipated with this use should be able to be handled with the extension of Enterprise Court connecting to the adjacent business park. Other utilities and infrastructure items can easily be extended to serve this use. The business practices of this applicant appear to be superior to the junk

yards of the past; and with a condition that an environmental professional report on the suitability of the gravel surface and stormwater basins prior to the approval of a final development plan, any concerns about the possibility of this use being a source of pollution should be alleviated.

Should the Planning Commission recommend Approval of the requested I-2 zone change, the Staff Recommends: **Approval**, for the following reasons:

- a. A yard for storage of dismantled or partially dismantled automobiles and/or a junk yard, which are the two most similar uses to the applicant's proposed vehicular recycling center, should not adversely affect the subject or surrounding properties. The amount and type of traffic anticipated with this use should be able to be handled with the extension of Enterprise Court connecting to the adjacent business park.
- b. All necessary public services and facilities, such as police and fire protection, are available and adequate for the proposed use.

This recommendation is made subject to the following conditions:

1. Provided the subject property is rezoned I-2 by the Urban County Council; otherwise, any Planning Commission action of approval is null and void.
2. It shall be developed according to the submitted application and Zoning Development Plan, or as further amended by the Planning Commission.
3. All necessary permits shall be obtained from the Divisions of Planning and Building Inspection prior to any construction, and prior to occupancy of the facilities.
4. The accessory parking lots and driveways shall be paved, with spaces delineated, and landscaped/screened in accordance with Articles 16 and 18 of the Zoning Ordinance.
5. The final design of the parking lots, access drives and internal parking lot circulation shall be subject to review and approval by the Division of Traffic Engineering.
6. A storm water management plan shall be implemented in accordance with the requirements of the adopted Engineering Manuals, subject to acceptance by the Division of Engineering.
7. The approval of a junk yard at this location is to be limited to the processing of automobiles only, and would not apply to other materials, such as used lumber and building salvage, that are within the definition of a "junk yard" found in Article 1-11 the Zoning Ordinance.
8. Prior to approval of a final development plan, a qualified environmental professional will make a recommendation on the type of surface that should be used in the vehicle storage area and provide information on possible storm drainage impacts to the spring located to the south of the subject site.

Should the Planning Commission recommend Disapproval of the requested I-2 zone change the Staff Recommends: **Disapproval**, for the following reasons:

- a. Under Article 6-4(c) of the Zoning Ordinance, the Planning Commission may only hear conditional uses and variances when filed with an associated zone change. Thus, unlike the associated zoning development plan, the Commission may only consider this matter within 90 days of its filing.
- b. Disapproval of the conditional use does not prohibit the applicant from filing a conditional use application with the Board of Adjustment, should the Urban County Council approve the requested I-2 zoning of the subject property.