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RICHARD V. MURPHY

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Lexington Fayette Urban County Planning Commission  
101 East Vine Street, 7<sup>th</sup> Floor  
Lexington, KY 40507

Re: Text Amendment Request, L. Roberts Properties, LLC

Dear Members of the Planning Commission:

I represent L. Roberts Properties, LLC, and its owner, Lee Roberts. We are requesting a text amendment to the definition of vehicle storage yard to clarify the terms of use.

Vehicle storage yards are allowed in the zoning ordinance in the I-1 use as a conditional use and in the I-2 use as principal use. A vehicle storage yard is a place where vehicles which have current license plates are temporarily stored. A vehicle storage yard is not a junk yard.

We are requesting a minor change which will remove a practical problem with the definition. Vehicle storage yards receive vehicles which have been towed for a number of reasons. The car may have been parked where it is not allowed, such as a fire lane, and ordered to be removed. It may have been removed because of repeated parking offenses. Or, it may have been ordered to be removed because it was involved in an automobile accident.

The vehicles are then towed to the vehicle storage yard, pending disposition. In the majority of cases, owners come to the vehicle storage yards to claim their vehicles. If a car has been damaged, insurance adjusters come and examine the car and make a decision as to whether the vehicle is not able to be repaired ("totaled"), or whether it can be repaired. If it is considered totaled, the insurance company takes title and removes the car. If it can be repaired, the owner must remove the car and have it fixed elsewhere.

Thus, no work is performed on cars in a vehicle storage yard. It is simply a place where decisions are made as to the future of the vehicle.

A strict reading of the current ordinance would make it impossible to temporarily store vehicles which have been damaged in auto accidents. This technical reading would require that

the owner of a vehicle storage yard maintain two facilities, one for inoperable vehicles and one for operable vehicles. This would make it difficult on all parties, owners and insurance adjusters alike, who are involved in the process.

We are requesting a clarification that would allow inoperable vehicles to be stored no longer than 75 days in a vehicle storage yard. This would allow the operator of the storage yard to comply with state law, which requires that he or she keep a vehicle for 45 days for claiming by the owner. After 45 days, the owner of the storage yard may sell the vehicle.

Thus, we are requesting an amendment to the definition of vehicle storage yard, contained in Section 1-11 of the Zoning Ordinance, as follows (proposed new language is underlined):

VEHICLE STORAGE YARD – A place where vehicles which bear a current license plate in accordance with state law and not used in the conduct of a trade, business, or profession are kept for 24 hours or longer. A vehicle storage yard does not include a yard for storage of dismantled or partially dismantled automobiles, storage of inoperable vehicles for longer than 75 days, a parking lot, truck terminal, automobile wrecking, or junk yards.

Thank you for your consideration of this text amendment request.

Sincerely,



Richard V. Murphy  
Attorney for Applicant