

Proposed Findings of Fact

LKQ Midwest, Inc.
BZA-2023-01

Applicant, LKQ Midwest, Inc. submits the following proposed findings of fact in support of its Petition / Application for Special Use.

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community** because the dismantling and processing of vehicles, which is taking place indoors, has been designed to minimize any nuisance type of effects and will operate in accordance with all operational and performance standards applicable to the proposed use, including those set forth in V10.2.8 of the Town of Lapel Unified Development Code, as well as those requirements set forth in federal, state, and local statutes, ordinances, rules and regulations applicable to the proposed use.
2. **The requirements and development standards for the requested special use will be met** because the Applicant has submitted a site plan which will meet the specific requirements of V10.2.14.N. of the Town of Lapel Unified Development Code, and pertaining to the storage requirements for inoperable vehicles in a permitted junk yard, including location and screening of such inoperable vehicles.
3. **Granting the Special Use will not subvert the general purposes served by this Ordinance and will not permanently injure other property or uses in the same district and vicinity** because the proposed use will operate in accordance with all operational and performance standards applicable to the proposed use and other Ig uses, which have been adopted by the Town of Lapel in furtherance of the public health, safety, comfort, convenience, morals and general welfare. The proposed use meets the stated intent of the Ig zoning district and has been planned to operate on a large tract of land with appropriate distance separation from other uses on nearby properties, which are predominately industrial, agricultural or vacant. All applicable environmental state and federal permits will be followed. An industrial real estate broker has concluded that properties in the vicinity and planned for industrial use should receive an increase in property value, with no negative impact on non-industrial/commercial properties.
4. **The proposed use will be consistent with the character of the zoning district in which it is located and the Town of Lapel Comprehensive Plan** because it is similar to other permitted uses in the Ig zoning district, which has a variety of industrial and other categories of uses similar in size and operational characteristics to the proposed use. While the comprehensive plan contemplates light industrial use south of SR 38, it also contemplates warehousing and manufacturing as a potential uses. Given that the dismantling and processing activity associated with Applicant's proposed use takes place indoors, inside a large industrial building which also has warehousing activity, the proposed use is consistent with the Comprehensive Plan. Furthermore, the same exact outdoor storage requirements for junk vehicles apply to both the I1 and Ig zoning districts.

Exhibit G. Petitioner's additional and/or revised information

STATEMENT OF COMMITMENTS

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A SPECIAL EXCEPTION APPROVAL OF BZA-2023-01

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Madison County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: See Exhibit "A" Attached Hereto And Incorporated By Reference (the "Subject Property").

Statement of COMMITMENTS:

1. Development of the Subject Property shall be in substantial accordance with the site plan attached as Exhibit "B".
2. The use of the Subject Property by Applicant LKQ Midwest, Inc. shall be in substantial accordance with the Plan of Operation attached hereto as Exhibit "C".
3. Special Use BZA-2023-01 shall be applicable to the Applicant, LKQ Midwest, Inc. ("LKQ"), and any successor entity to LKQ by merger or acquisition, but shall not inure to the benefit of any other third party.

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein.

These COMMITMENTS may be modified or terminated by a decision of the Town of Lapel Board of Zoning Appeals made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the approval of Special Use # BZA-2023-01 by the Lapel Board of Zoning Appeals.

These COMMITMENTS may be enforced jointly or severally by the Lapel Board of Zoning Appeals or the Lapel Town Council:

The Town of Lapel Board of Zoning Appeals hereby authorizes the Applicant to record this Commitment in the office of the Recorder of Madison County, Indiana, upon final approval of petition # BZA-2023-01.

IN WITNESS WHEREOF, owner has executed this instrument this ____ day of _____, 2023.

LKQ MIDWEST, INC., a Delaware corporation

By: _____

Printed: _____

Title: _____

STATE OF ILLINOIS)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____, the _____ of LKQ MIDWEST, INC., a Delaware corporation, who acknowledged the execution of the foregoing instrument for and on behalf of said corporation.

Witness my hand and Notarial Seal this
_____ day of _____, 20 _____

Notary Public

Printed Name of Notary Public
My Commission expires: _____
My County of residence: _____

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law. Joseph D. Calderon

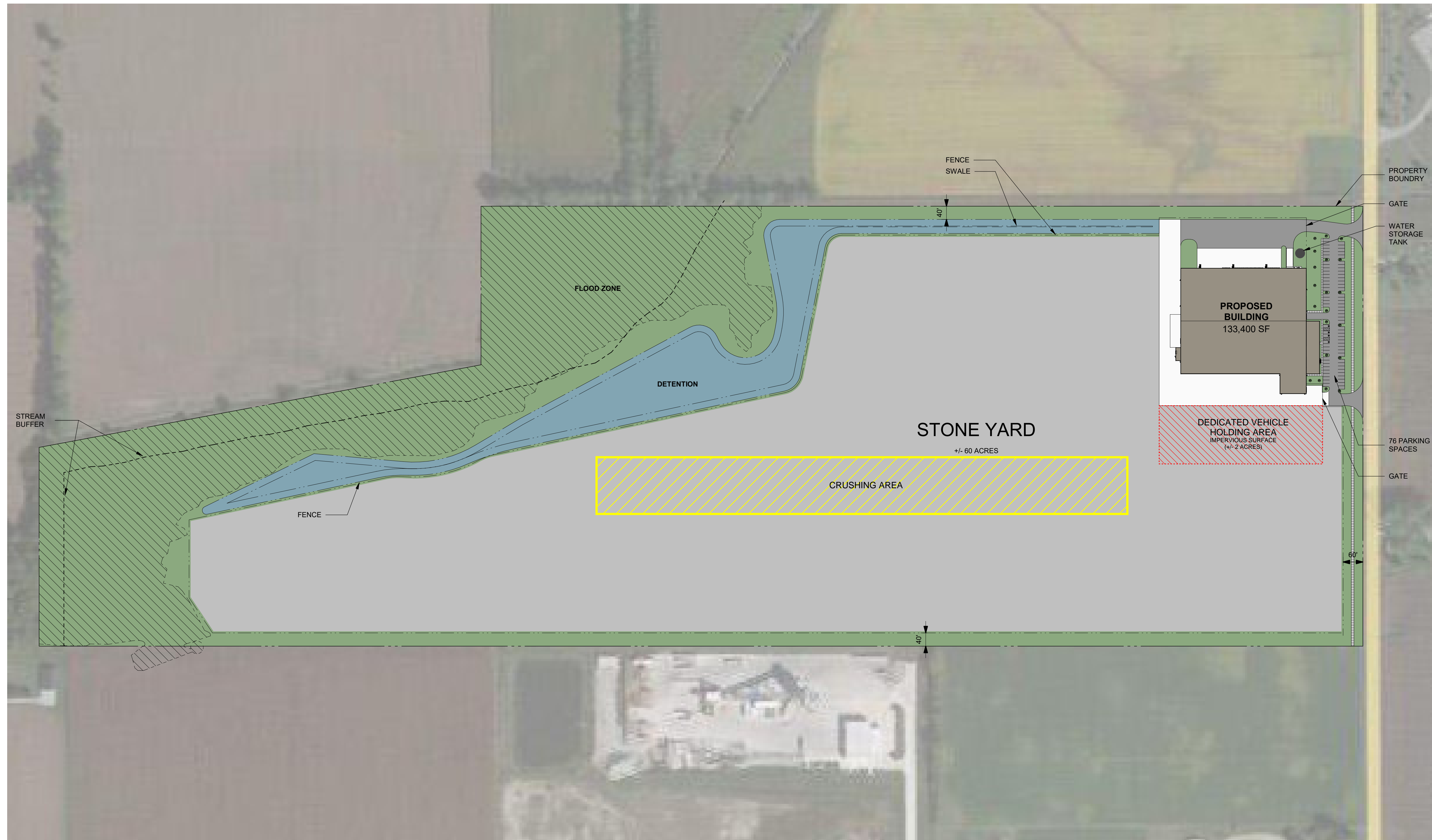
This instrument was prepared by Joseph D. Calderon, Attorney-at-Law, Barnes & Thornburg LLP, 11 South Meridian Street, Indianapolis, Indiana 46204.

EXHIBIT "A"
Legal Description

EXHIBIT "B"

Site Plan

EXHIBIT "C"
Plan of Operation



SEAL:
NOT FOR CONSTRUCTION

SUBMITTALS / REVISIONS:

NO.	DATE	DESCRIPTION
1	2023.06.07	SCHEMATIC SET

PROJECT NO.: 19-1700
 DRAWN BY: DFW

SHEET TITLE:
ARCHITECTURAL SITE PLAN

These plan drawings are the property of the registered Designer / Engineer and may not be copied, reproduced or used without their written permission.

SHEET NO.:

A100

PARKING SCHEDULE

CAR PARKING	HANDICAP PARKING	TRAILER PARKING	FUTURE CAR PARKING	FUTURE TRAILER PARKING
72	4	0	0	0

DISCLAIMER:
 CONCEPTUAL SITE PLAN SUBJECT TO CHANGE
 PENDING FINAL DESIGN COORDINATION AND
 APPROVALS BY THE TOWN OF LAPEL

1 PRESENTATION SITE PLAN
 A100 SCALE: 1" = 160'-0"

LKQ MIDWEST, INC.

BZA-2023-01

PLAN OF OPERATION

6199 S. SR 13 to 0 S. SR 13, Lapel, IN

THE BUSINESS

Applicant, LKQ Midwest, Inc. (“LKQ”), is an affiliate of LKQ Corporation, which is the largest US recycler of wrecked/inoperable vehicles in the United States. LKQ is under contract to purchase 102 acres of real property zoned Ig, and seeks Special Use approval to permit “Salvage/Junk Yard” use, as described in the Lapel Unified Development Code.

ZONING

The Subject Property is zoned Ig, which allows for a variety of industrial uses, but does not include recycling as the permitted use. Rather, for vehicle recycling, the Lapel Unified Development Code classifies the use as “Salvage Yard” or “Junk Yard”.

PROCESS

LKQ acquires wrecked/inoperable vehicles at auto auction and brings them to its facilities for dismantling and part recovery. Received parts and other reusable components are refurbished and sold. Once dismantled, the vehicles are stored outside in a fenced/landscaped storage yard and ultimately crushed, where the metal is scrapped. This recycling includes fluids and components such as batteries, tires, and antifreeze, all of which promotes environmental stewardship.

HOURS OF OPERATION

LKQ plans to conduct operations between the hours of 7 a.m. and 6 p.m., Monday through Friday.

NUMBER OF EMPLOYEES

After the first year of operations, it is possible that seventy (70) employees may be on-site supporting the operation.

TRAFFIC

Besides employee traffic, there will be delivery traffic, both to and from the facility. The majority of this traffic would occur during the daytime. It is expected that there will be approximately 25 deliveries per day by box truck, approximately 5 tractor-trailer trips per day, and 4 third-party (FedEx, UPS, Amazon) deliveries per day.

VEHICLE DISMANTLING

All dismantling will take place indoors. There are individual lifts and service bays for each vehicle. Parts removed from vehicles are cleaned, refurbished and warehoused for use by others, notably repair facilities.

OUTSIDE STORAGE

Outside storage of dismantled vehicles will be wholly contained in the storage yard located to the side and rear of the proposed building. The storage yard will be enclosed by an eight foot (8') tall

solid fence and landscaping. Dismantled vehicles shall be stored below the height of the fence and shall be effectively screened from viewing by the public on SR 13.

ENVIRONMENTAL

The operation will be subject to all applicable federal, state, and local environmental requirements including permits. LKQ will perform all required air and water quality sampling as required by permits, and in furtherance of its Special Use application, will conduct water quality sampling at the facility at least once per quarter, with results submitted to the Lapel Town Manager.

VEHICLE INTAKE

All vehicles transported to the facility will be inspected by LKQ employees prior to being accepted. Vehicles with leaks or other unacceptable characteristics will be rejected. Vehicles which are accepted will be kept in a temporary holding area until such time that there is room in the indoor dismantling area. In almost all cases, vehicles are able to be brought indoors for dismantling within three (3) to five (5) business days.