

**Town of Siler City Board of Adjustment
December 12, 2011 Meeting Minutes**

The Siler City Board of Adjustment met on Monday, December 12, 2011 at 7:00 p.m. Harold Hart called the meeting to order and gave the invocation. Mr. Hart asked for a motion to approve the minutes of November 14, 2011. *Motion made by Wallace Matthews, JP Joyner seconded, followed by unanimous consent.*

MEMBERS PRESENT: Mary Harris, Harold Hart (Chair), Dacia Hayes, JP Joyner, Wallace Matthews, Dan McMasters, and Mickey Pore (Vice Chair)

MEMBERS ABSENT: Curtis Brown and Patty Poe

STAFF PRESENT: Joel J. Brower (Town Manager), William C. Morgan (Town Attorney), Jack Meadows (Planning Director), and Dee Lee Thompkins, (Administrative Support Specialist)

SPECIAL USE PERMIT – 101 VIVIAN BETTY PLACE – METAL RECYCLING BUSINESS: Mr. Hart explained that all testimony given tonight must be sworn testimony. Jack Meadows, Charlie Wright, Mayo Yousef, John McSween, and Heath Gunter were sworn in.

Planning Director's Report: Jack Meadows reported that Hayes Iron and Metal, Inc. (Hayes) requests a special use permit to operate a metal recycling business in the L-I zoning district. The subject property is located at 101 Vivian Betty Place (previously 84 Lumber). The subject property is: 1) owned by Pierce Hardy LTD Partnership (84 Lumber Company); 2) served by Town water and sewer; 3) located within the Corporate Limits; 4) located within the Town's Watershed Protection Area – Balance of Watershed (WS-III-BW); 5) limited to seventy percent (70%) built upon area; 6) must direct stormwater away from surface waters; 7) must incorporate Best Management Practices (BMP) to minimize water quality impacts; 8) must implement a spill containment plan for the storage of toxic and hazardous materials; 9) surrounded by L-I and A-R zoning; and 10) surrounded by the following land uses; vacant, railroad, and residential.

Mr. Meadows added that the proposed use will: 1) occupy ~ 63,046 square feet of existing buildings; 2) add truck scales; 3) recycle both ferrous and non-ferrous materials; 4) process and remove recycled materials from site within 45 days of receiving; 5) not accept any regulated materials; 6) have 20 employees; 7) require 10 parking spaces; 8) operate Monday – Friday (8:00am – 4:00pm) and Saturday (8:00am – 12:00pm).

Mr. Meadows explained that the Land Development Plan (LDP) recommends industrial development for the subject property. The LDP states the following: 1) attract diverse industrial development that will stimulate the economy; 2) encourage industrial development that is environmentally friendly; 3) encourage industrial land uses that require appropriate amounts of public water for their manufacturing processing; 4) develop zoning standards that address screening and buffering between industrial and adjacent dissimilar land uses; 5) encourage water reuse and industrial recycling for new and existing industry.

Staff Recommendation: Mr. Meadows stated the application is complete. The proposal meets the development criteria of the Unified Development Ordinance. Based on the information received at this time, Staff recommends approval with the following conditions: 1) record the special use permit with the Chatham County Register of Deeds; 2) obtain site plan, zoning permit, and sign permit approval; and 3) prior to any operation applicant must submit a storm water drainage plan and spill containment plan.

Discussion: Charlie Wright, Vice President of Hayes, stated that Hayes has been in business since 1929 and currently operates facilities in Providence, Elizabeth City, and Franklinville. Hayes has out grown the Franklinville facility (currently 4 employees) and is looking to expand in Siler City. In Siler City, Hayes will not operate a crusher or shredder, will accept peddler trade but not pursue, will target wholesale and industrial customers, work with an established commercial and industrial customer base, export some steel, sale all nonferrous in the US, participate in stormwater drainage test required by DENR, store automobile batteries inside and have shrink wrapped, and may consider rail for shipping. Mr. Wright stated that the problems in Elizabeth City were related to outgrowing the facility and being two blocks from a historic district. The problems in Caswell County were related to outgrowing the facility and attempting to expand into a 500 year floodplain.

John McSween, President of Bish Enterprises (Bish), stated that Bish has been in business since 1955, currently employees 13 (whom are local to Siler City and present at tonight's meeting), and mostly deal in peddler trade. Mr. McSween stated that Bish would like to remain in business but felt there is not enough

metal recycling business in Siler City to support two companies. The metal recycling business is up and down from year to year. Mr. McSween asked the board to delay/table the approval process in order to investigate/Google Hayes' problems reported in Caswell County (Providence) and Elizabeth City. Mr. McSween asked, will Hayes be a good neighbor in Siler City.

Mayo Yousef, Staff Accountant of Hayes, stated that the company is looking to expand because they are out growing their Franklinville facility. Hayes will bring economic development to Siler City by creating new jobs. The main focus of Hayes is commercial and industrial customers in which they already have an established clientele.

Heath Gunter, employee and son of owner Joe Gunter of Bish, stated that there is not enough metal recycling business in Siler City to support two scrap yards. He added that his dad has worked at Bish his whole life and Bish supports the Town both in the schools and recreation programs. He asked that the board consider how Hayes is going to hurt Bish, the employees, and their families. Dan McMasters asked if Hayes would be competition for Bish and Mr. Gunter responded with yes.

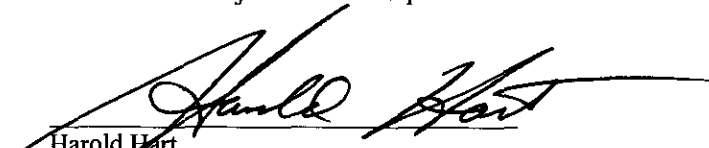
With no further discussion, Mr. Hart directed the board to their worksheet to go through each finding:

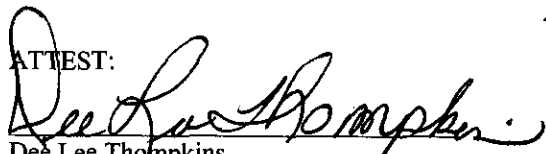
Special Use Permit Worksheet:

1. The application is complete.
Motion made by Dan McMasters, JP Joyner seconded followed by unanimous consent.
2. The application complies with all applicable requirements of the Unified Development Ordinance.
Motion made by Dan McMasters, Dacia Hayes seconded followed by unanimous consent.
3. The application is granted, subject to the following conditions:
 - i. The applicant shall complete the development strictly in accordance with plans submitted to and approved by the Board, a copy of which is filed in the City Hall
 - ii. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
 - iii. Record the special use permit with the Chatham County Register of Deeds;
 - iv. Obtain site plan, zoning permit and sign permit approval from the Siler City Planning Department;
 - v. Prior to any operation applicant must submit a storm water drainage plan and spill containment plan.

Motion made by Dan McMasters, JP Joyner seconded followed by unanimous consent.

ADJOURNMENT: With no further business, Mr. Hart asked for a motion to adjourn. *Motion by JP Joyner, seconded by Dacia Hayes, followed by unanimous consent.* Adjourned at 7:25 p.m.


Harold Hart
Chair

ATTEST:

Dee Lee Thompson
Recording Secretary