

22-MCUP-0001

River Metals Recycling

Board of Zoning Adjustment Meeting
Chris French, AICP, Planning Supervisor
April 10, 2023



REQUESTS

- A modified conditional use permit initiated by the Planning Director pursuant to LDC Section 11.5A.1 paragraph E.
- This public hearing is related to excessive noise from explosions related to the use on the property.



CASE SUMMARY

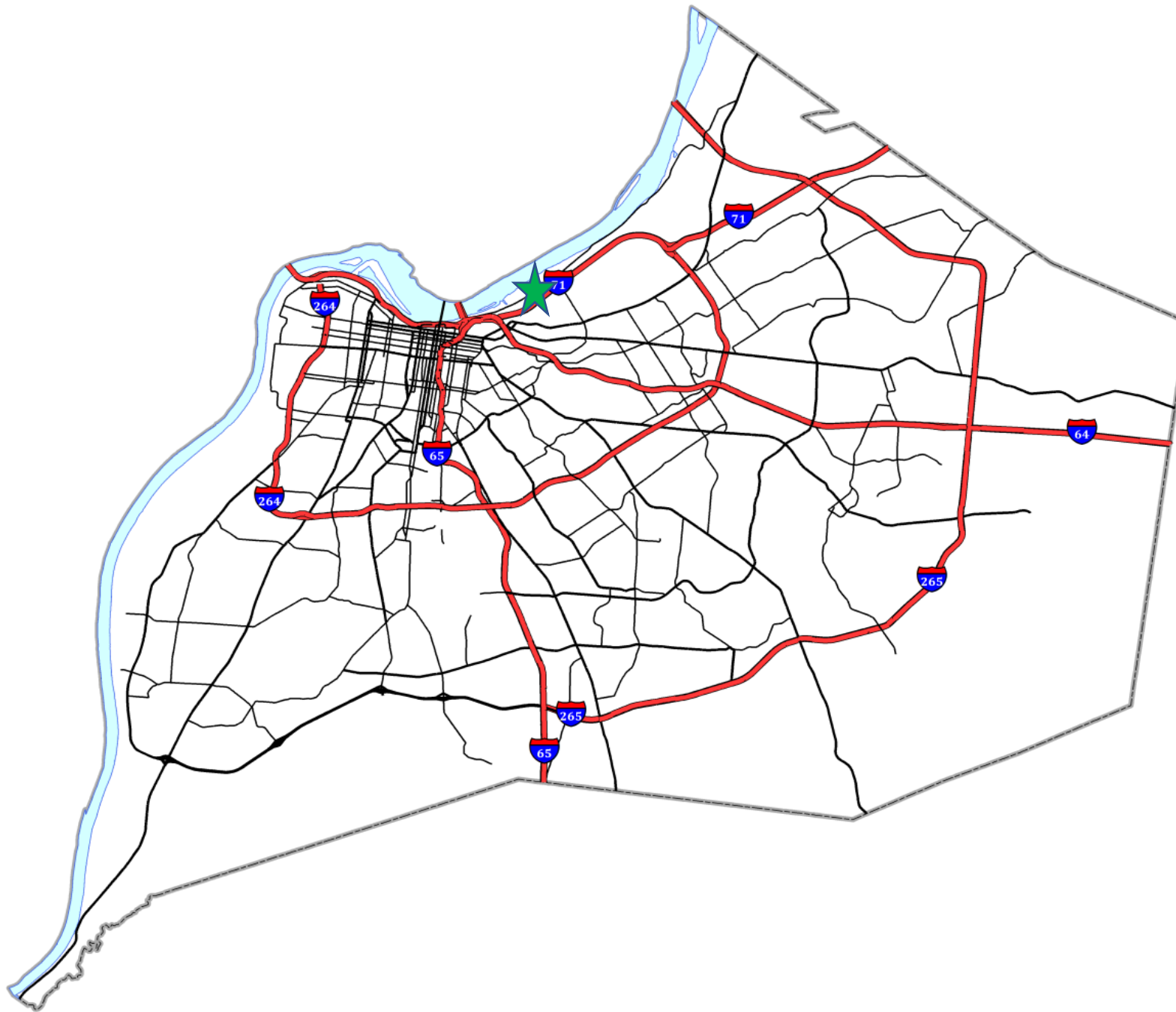
- Scrap metal recycling CUP was approved on 1997
- CUP has been modified 3 times
- Noise complaints related to explosions from operation of shredder
- This modification brought forward by Planning Director
- 6th meeting on this case between 2022 and 2023
- Board initially continued the case for a seismic study



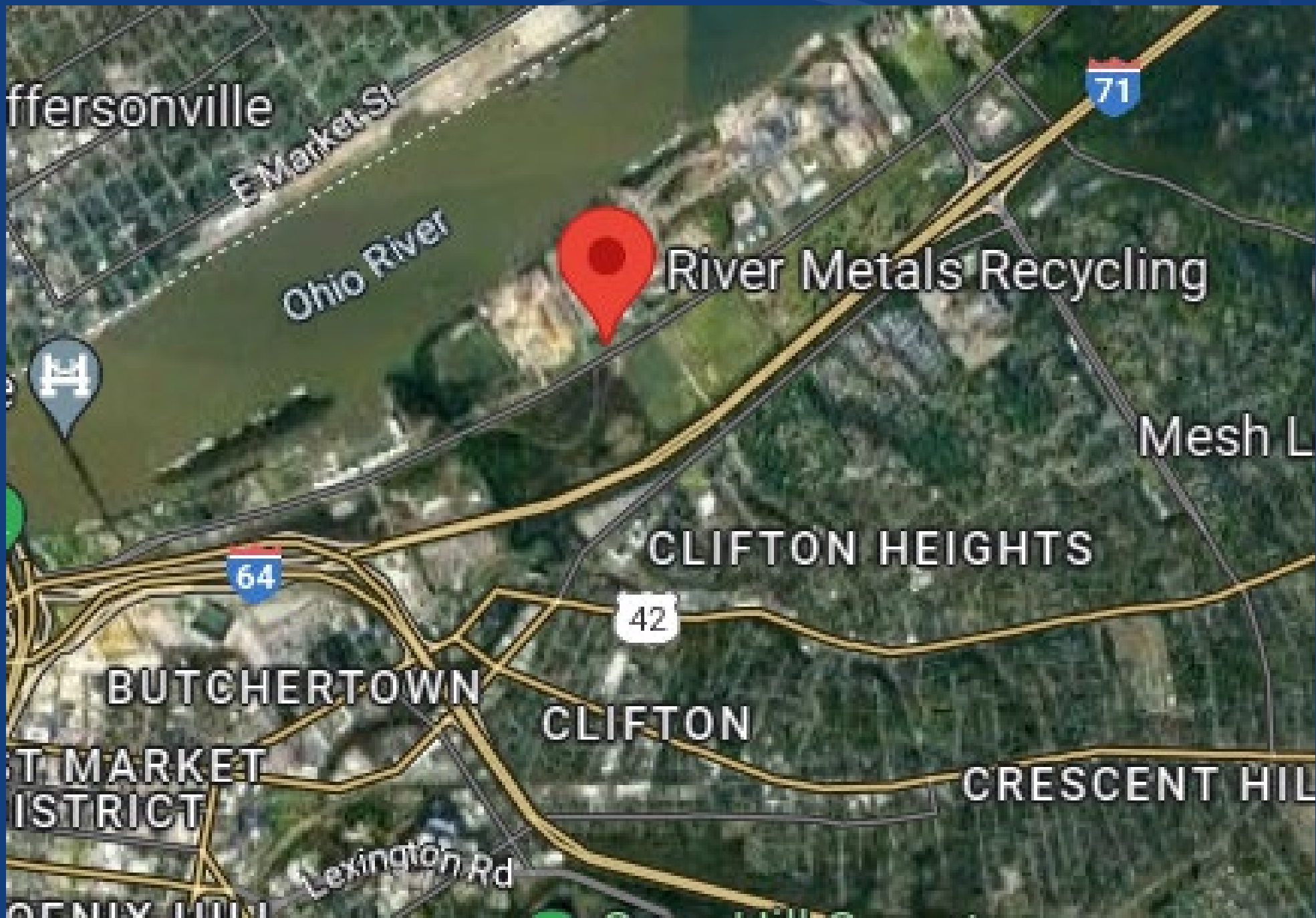
CASE SUMMARY, cont'd.

- Seismic study completed and presented to Board in February 2023
- Board needs to consider any potential changes to existing conditions of approval to mitigate noise issue
- Board discussed potential hours of operation at last meeting





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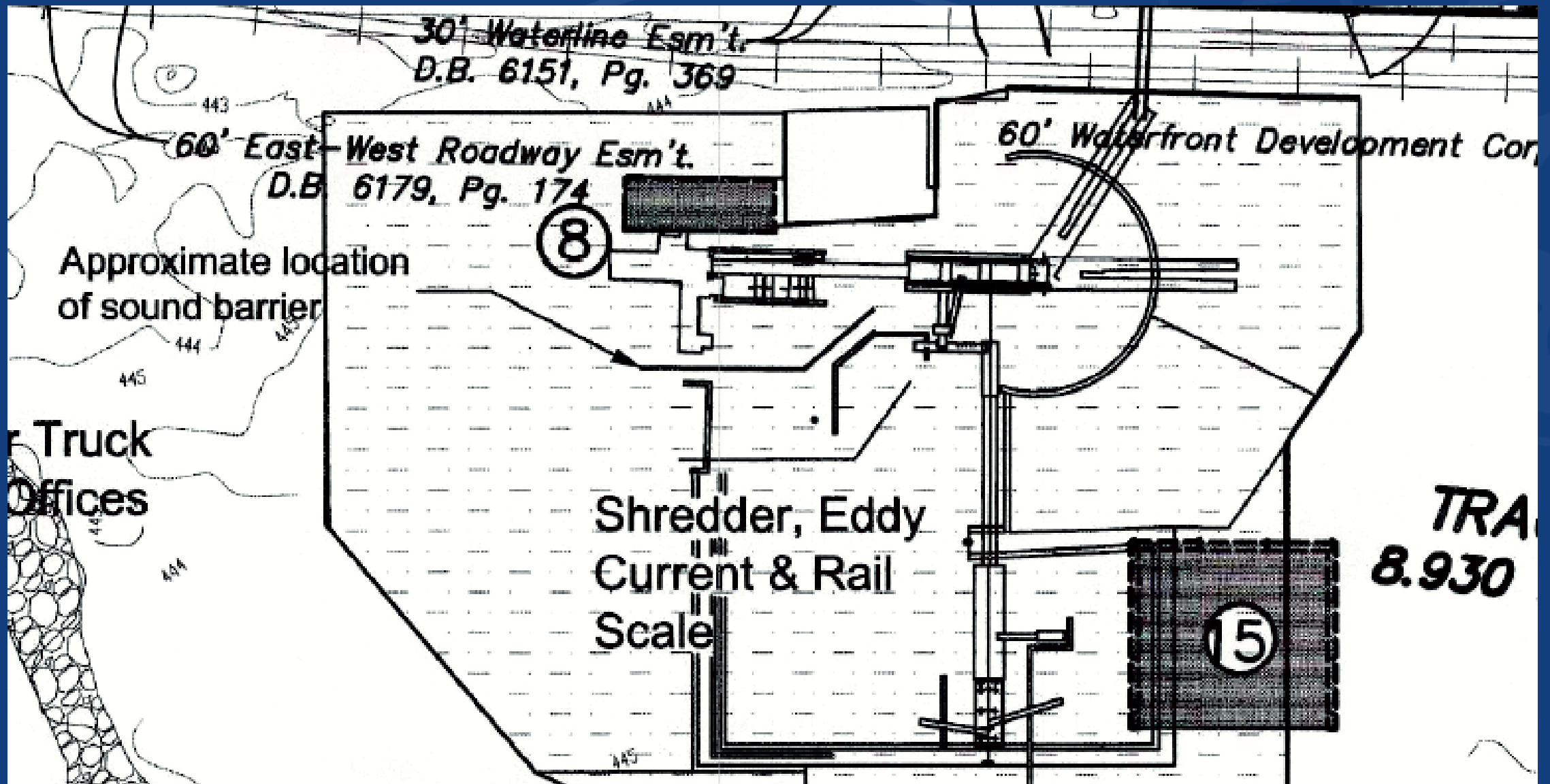


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SITE PHOTOS – SUBJECT PROPERTY



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STAFF FINDING/REQUIRED ACTIONS

- Based upon the information in the staff report and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine what if any action needs to be taken to address excessive noise from explosions on the site.



PROPOSED CONDITIONS

1. Applicant agrees to maintain all landscape materials shown on the Landscape Plan in healthy condition, including all trees. Maintenance includes but is not limited to; appropriate watering for plant and tree success, trimming of dead limbs, mulching and removal of invasive species and vines. Applicant shall replace any dead trees within three (3) months of a tree's demise, weather permitting, but in no event more than five (5) months.
2. Cleaning of Metal Lane. Applicant agrees, on an as-needed-basis, to clean dust and debris (1) from Metal Lane at its intersection with River Road, and (2) on Metal Lane within 180 feet of the River Road right-of-way line.



PROPOSED CONDITIONS, cont'd.

3. 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.
4. The Dust Control Plan submitted by the applicant shall be implemented (under Tab 4 of the applicant's booklet dated March 2, 2011) and shall continue to be used for the duration of the conditional use permit.
5. The constructed sound barrier wall shall be maintained. Any changes (other than cosmetic changes) to the wall shall be reviewed and approved by the Board.



PROPOSED CONDITIONS, cont'd.

6. The Applicant/Owner shall implement the Combustion Incident Reduction Plan ("CIRP") last revised on 8/31/10 and shall continue to be used for the duration of the conditional use permit.
7. The Planning Director based on verified complaints submitted by property owners or lessees of property negatively affected by the explosions from the subject property may request BOZA to hold a public hearing; a public hearing shall then be scheduled, and the Board shall determine from the evidence whether additional measures may be required to mitigate the negative impacts of explosions.
8. The shredder shall only operate on Monday through Saturday from 7 AM to 9 PM.



