

LICENSE HEARING MINUTES
Pallet Removal, 1607 Breda Avenue
Thursday, October 18, 2012, 2:00 p.m.
330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 2:00 p.m.

Staff Present: Jeff Fischbach, Department of Safety and Inspections (DSI)

Applicant: John Crowson, applicant; Daniel Thompson, owner

Others Present: Justin Riechers, 1620 Breda Avenue; Rich Gall, 1624 Breda Avenue

Pallet Removal: Application for a Recycling Processing Center

Ms. Vang stated that this was an informal legislative hearing for a license application. This particular license required a Class N notification which means the neighborhood was notified and people had the chance to voice their concerns. The City received one (1) letter of concern which triggered the hearing. There were three possible results from this hearing: 1) recommend the City Council issue this license without any conditions; 2) recommend the City Council issue this license with agreed upon conditions; or 3) recommend the City Council not issue this license but refer it to the city attorney to take an adverse action on the application, which could involve review by an administrative law judge. The applicant will be required to sign a Conditions Affidavit demonstrating the understanding of the conditions.

DSI staff will explain their review of the application and state their recommendation. Ms. Vang said she will then ask the applicant to discuss their business plan. At the end of the hearing, she will make a recommendation for the City Council to consider. Her recommendation will be on the Consent Agenda; the City Council is the final authority on whether the license is approved or denied.

Mr. Fischbach stated that the recommended license conditions were as follows:

Zoning Code Requirement Conditions #1-4:

1. All processing activities shall be conducted within a wholly enclosed building.
2. Outdoor storage of materials shall be within covered containers or behind an opaque visual screen on three (3) sides. Such outdoor storage shall be located at least three hundred (300) feet from any residential district or residential use.
3. There shall be no outdoor open burning on the site.
4. Heat reduction is not a permitted type of processing in Zoning District I1.

Additional Licensing Conditions #5-13:

5. The required license, name and phone number of the facility operator, and the hours of operation must be prominently displayed.
6. There shall be no open burning of any material and no fire hazards shall exist on the premises. The use of cutting torches, furnaces and other equipment which produce a flame shall not be construed to constitute open burning.

7. The premises shall be maintained in a clean and orderly condition free of rats and other vermin and free of standing water. No oil, grease, petroleum products or other harmful, hazardous or noxious liquid shall be allowed to run off the property or absorb into the ground.
8. Noise levels shall not exceed the limits set forth in Chapter 293 of this Legislative Code.
9. Weeds and grass on the premises shall be maintained in accordance with Chapter 45 of this Legislative Code.
10. No material used in the business shall rest on or protrude on any public property or be permitted to be blown off the premises.
11. No activity required by this chapter to be licensed shall be conducted any place except upon the premises described in a license, other than necessary transport of materials to or from licensed premises.
12. Two(2) signs must be installed on the building entrance and gate entrance stating, Idling of diesel trucks is limited to ten (10) minutes or less, idling of diesel trucks for more than ten (10) minutes is prohibited.
13. All traffic to this site must enter and exit on Winston Street, no commercial traffic for 1607 Breda Avenue may enter or exit on Breda Avenue.

Ms. Vang asked Mr. Crowson to explain his business plan. Mr. Crowson stated that he had been in the recycling business for approximately 12 years and operated this business with his wife. In addition to recycling pallets, he also recycled metal from old wash machines and dryers. He explained that the equipment he utilized were a pick-up truck, three dock trucks, a forklift, pallet jacks, and a propane torch to disassemble metal from the washers and dryers. All sorting of pallets and all work was done inside the building as it was his understanding that he could not store or operate any part of his business outside.

Ms. Vang reviewed the site plan map with Mr. Crowson who explained the layout of the property as it related to his business. He said that part of the property was operated by a concrete business and some of the items viewed in the photos did not belong to his operation. Mr. Fischbach noted that there was a notice on the door to the business indicated that idling of trucks was prohibited. He said that there would also need to be a sign with similar language at the entrance gate to the property.

Mr. Thompson stated that he owned the property and had read the correspondence from the neighbors expressing their concern over operation of this new business. He said the previous tenant also operated a recycling business which operation went beyond the boundaries of their agreed upon lease. This caused complaints from the neighbors so he ultimately evicted the tenant for failure to take corrective measures and abide by the lease agreement. It was his desire to be friendly towards the neighbors by not having any problems at his property that would cause them to complain regarding Mr. Crowson's new recycling business.

Mr. Riechers stated that he had submitted the email objecting to the license on behalf of the neighborhood because the owner had failed to abide by previous agreements with the tenants of his property. The issues included visual screening, hours of operation and loud noises from machinery.

Mr. Crowson responded that it was his intention to operate his business between the hours of 8 a.m. to 4 p.m., Monday through Friday, with some additional work on Saturdays; no work would be done on Sundays. Noise would be limited to trucks moving in and out of the property during those hours of operation. Any loud noises from machinery would be limited to the breaking apart of metal pieces from washing machines and dryers.

Mr. Thompson stated he had installed a fence around the perimeter of the property; however, shortly after installation, it had been destroyed during a storm. He planned to have new fencing installed, which would create a visual barrier for the surrounding neighborhood, within a few weeks.

Mr. Gall questioned whether there would be any exterior storage. Mr. Crowson responded that he would not be doing any work outside of the building and was not allowed to store any materials outside of the building. Mr. Fishbach responded that no exterior work could be done and no exterior storage was allowed under this license application.

After reviewing all of the documents of record, Ms. Vang said she will recommend to the City Council that they approve the license with conditions. The proposed conditions were agreed to by Mr. Crowson and are as follows:

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The hearing adjourned at 2:45 p.m.

The Conditions Affidavit was signed and submitted on September 11, 2012.

Submitted by:
Vicki Sheffer