BOARD OF ADJUSTMENT
MEETING
THURSDAY, OCTOBER 10, 2022
6:00 P.M.
Council Chambers
300 W. Crowell Street
Monroe NC

A G E N D A

Item 1. **Call to Order:**

Item 2. **Approval of Minutes – June 23, 2022**

Item 3. **Conflicts of Interest**

Item 4. **PLZNA-2023-00025 Variance- The Board of Adjustment is requested to consider a Variance application from Gary Ross, owner of 1108 Crescent Street. The applicant is requesting a variance from section 157.4.2.3 of the Unified Development Ordinance that requires a 20' front yard setback in the RMD, Residential Medium Density, District in order to build a 10' x 20' front porch. (Parcel ID # 09-238-108A)**

Item 5. **PLSUP-2023-00002 Special Use Permit- The Board of Adjustment is requested to consider a Special Use Permit application from Brian Lappin, representative of Metal Recycling Services, LLC. The applicant is requesting a Special Use Permit to establish a metal recycling facility at 3001 East Highway 74, located within the ETJ. (Parcel #: 09-087-011, 09-087-004A)**

Item 6. **Discussion: Date of November Meeting**

Item 7. **Adjournment**

Attention: BOARD MEMBERS:
Please call Ashlyn Penegar at 704.282.4527 to confirm your attendance. Thank you!

cc: *Mujeeb Shah-Khan*
Ashley Duncan
Doug Britt
Keri Mendler
Megan Brightharp

MINUTES OF THE
BOARD OF ADJUSTMENT MEETING
June 23, 2022 at 6:00 P.M.

Council Chambers
300 W. Crowell St.
Monroe, NC

To S. Laney: 07/12/2022

Item 1. **Call to Order**

Chairman Kenneth Deal called the June 23, 2022 meeting to order at 6:00 p.m. and noted that there was a quorum present with 3 members. Ashlyn Penegar, Administrative Assistant, called the roll.

Members Present:	Kenneth Deal, William Draper and George Smith
Members Absent:	None
Staff Present:	Doug Britt, Senior Planner; Megan Brightharp, Planner I; Kevin Hornik, BOA Attorney; Ashley Britt, Assistant City Attorney; Ashlyn Penegar, Administrative Assistant
Guests:	Lewis Fisher, Rogelio Marin Sr., Rogelio Marin, Derek Hodge

Item 2. **Approval of Minutes – Minutes of March 24, 2022**

Motion: Mr. Draper made a motion to approve the minutes of the March 24, 2022 meeting.
Second: Mr. Smith
Action: The motion approve the minutes passed with the following votes:

AYES: **Kenneth Deal, William Draper and George Smith**
NAYS: **None**

Item 3. **Conflicts of Interest**

Chair asked if there were any conflicts of interest. There were none.

Item 4. **PLZNA-2022-00185 Variance- The Board of Adjustment is requested to consider a variance request from Derek Hodge, on behalf of Rogelio Marin, Sr., owner of 650 West Roosevelt Boulevard. The applicant is requesting to deviate from section 157.8.3.5 titled Perimeter Buffer Standards of the Unified Development Ordinance that required a Type 3 perimeter buffer at the subject property; section 157.8.3.7 titled Street Yard Buffer that requires a Type 2 street yard sign at the subject property; and section 157.3.3 titled Open Space Standards that requires a 5% of a**

new commercial development to be designated as open space, in order to construct a new restaurant. (Parcel # 09-189-02)

Chair said that anyone who is going to give testimony in this case needs to be administered the oath. Megan Brightharp, Planner I, Doug Britt, Senior Planner, Lewis Fisher, Rogelio Marin Sr., and Derek Hodge came forward and were sworn.

Megan Brightharp, Planner I, said this is a Variance request by Derek Hodge to modify setback requirements in order to accommodate a proposed building addition. She proceeded to enter the proposed Findings into the record:

Proposed Findings:

1. The property located at 650 West Roosevelt Boulevard is owned by Rogelio Marin, Sr. and is zoned GB (General Business). (Exhibit 1 and 2)
2. A variance application was submitted on May 1, 2022 to modify the side yard buffer, the perimeter buffer, and open space requirements in order to construct a new restaurant. (Exhibit 3)
3. Unified Development Ordinance (UDO) Section 8.3 entitled "Landscaping, Buffering, Fences and Walls" states in relevant parts:

- 8.3.5. Perimeter Buffer Standards
    - C. Perimeter Buffer – Required Perimeter Buffer Type by District.
    - 3. To determine the perimeter buffer type required, identify the zoning district of the land in which a development is proposed. Using Table 8.3.2, the intersection of the row associated with the district of the proposed development and the column associated with the adjacent zoning district shows the buffer type required.
    - 4. Perimeter buffer types required shall comply with the standards provided in Table 8.3.1. Options for achieving the required buffer intensity are provided in Table 8.3.1. (Exhibits 4 and 5)
- 8.3.7. Street Yard Buffer
    - A. Required. Any development that involves the construction of a new principal building or development along a right-of-way, except for exclusions listed in this section, must include the installation of a street yard buffer (Buffer Type 2).

4. Unified Development Ordinance (UDO) Section 8.8 entitled "Open Space Standards" states in relevant parts:

- Open Space Sizes. Open space may consist of a variety of different sizes. For the purpose of this Section, open space sizes shall be defined as small, medium, and large. The acreage of open space sizes for each open space size is defined in Table 8.8.1. (Exhibit 6)

5. In order to construct the restaurant, the applicant requests a perimeter yard buffer reduction from 25 feet to 4 feet as well as omitting the required landscaping and fencing as required for a Type 3 buffer. The applicant requests a street yard buffer reduction from 20 feet to 8 feet. Lastly the applicant is requesting to omit the required 5% (2,000 sf) open space as required per the City of Monroe UDO. (Exhibit 7)
6. All adjacent property owners have been notified of the proposed variance. (Exhibit 8 and

9)

Chair asked Megan Brightharp if any feedback or inquiries were received from the public or adjacent businesses?

Megan Brightharp said no.

Chair asked Megan in a brief statement, can you explain the impact on Monroe if these buffer requirements were waved?

Doug Britt, Senior Planner, stepped forward to answer.

Doug said probably the minimum impact is as Megan stated, the property was originally zoned and he came in and he was already designing. The ordinance goes back to when it was originally going to Council for adoption back in September, Council tabled it until March and then it was tabled again until April. So, basically what Megan is saying is the site plan is laid out in design under the previous ordinance and unfortunately for him, they were caught up in the middle of when we were doing the change. It's happened on other projects where, not so much where we get to the Board of Adjustment for commercial projects, but for residential projects. Conditional Districts are a little bit different than the old ones we did because there was not really anything you were bound to because remember with Conditional District you can basically draft your project as you wanted and it didn't have much of an impact on those. But, this is primarily a commercial project that we were dealing with that was caught in between and I would say it's a negligible impact as far as the City of Monroe based on the buffers not being complied with as required.

George Smith, Vice Chair, said by looking at the map, it looks like the surrounding areas have about an equal buffer as they are proposing now.

Doug Britt said in the old ordinance it said you could have impervious paving up within four feet of the property line. You could pave all the way to the property line. With the new ordinance, it says in the GB (General Business) and there are some things when we adopted it that we knew we were going to have to make changes to, what would be required in the rear and to the side would be a 25 foot buffer. So, what they are wanting to do is basically consistent with what's generally out there. Some of the older stuff basically predates the last ordinance, so what's being requested is consistent with what's out there truthfully.

Chair said to summarize, you are basically saying that if the waivers are granted, the property would be developed in harmony with the surrounding businesses.

Doug Britt said yes.

Chair said thank you Doug.

Chair asked if there were any other questions for the staff?

There were none.

Chair said at this time, the Board is ready to entertain comments for those who are for this project.

Lewis Fisher stood up and introduced himself and said he is an attorney here in Monroe and as I've told you informally, when I left here as Mayor 23 years ago, I vowed never to come back. But, this situation and my client that I think manifestly requires me to at least try to make an appearance and represent for him

the situation. I think the best way to do that frankly is with Mr. Derek Hodge, who is an Architect, to have Derek walk around the property for you, to show you and give you a flavor of the property itself. Derek, if I may, I have marked these as exhibits, but here we go. (Mr. Fisher hands out photos labeled Exhibit 10-15) Having showed the sections of Monroe, I admire the staff with what Ms. Brightharp and Mr. Britt have presented to you. They are presenting the black letter of the law and I'm not disputing that, but this is a hardship and we will show you why. Mr. Hodge, if you would, the front of the property is on West Roosevelt Blvd.

Derek Hodge steps forward and introduces himself and said he is an Architect here in town and I've been here practicing close to 40 years and my office is at 1208 Curtis St. in Monroe and I've seen a lot of changes in the town.

Kevin Hornik asked if I may Mr. Fisher, do we plan on tendering Mr. Hodge as an expert witness this evening? I suggest Mr. Chair that given Mr. Hodge's credentials, the Board accept him as an expert witness for his expertise in Architecture.

Chair asked if there are any objections?

There were none.

Mr. Fisher said Mr. Hodge, if you would, if Exhibit 9 would help you, would you please start at the front of the property and we know how busy that is, let's walk around the left hand side of that property.

Mr. Hodge said the first photograph you have is in the back, top left hand corner looking out towards, you can see some greenery between the blue and orange line. There is a berm between the property and the Hospice administration building. You can also see in the corner of the picture, there is a valve for the fire line that goes into Hospice, that's in the corner. If you take the pictures again and rotate around, it gets to the bottom, top right hand corner, deep into the property that shows the growth on that planted area. You also see the back of the rear of the strip center, that's to the right of the property across from the white building. The white building, as you see, was formally a Kentucky Fried Chicken restaurant that has been repurposed and it now is a window tinting building and it looks like they are trying to get into over the road tractor truck sales. There have been two or three out in front and that's on the lower corner at Roosevelt Blvd. The picture as you can see if standing basically at the driveway back in the Hospice, back towards South on Highway 74 and you can see the power line and you can see one of the corners on the property, the traffic that's on there and it's newly mown grass on the property itself. Further on down through the pictures standing in the center of the drive for Hospice, again looking out towards Highway 74. In the last picture you have is above the S E and Roosevelt, the Hospice sign there and there is a billboard between the Hospice drive and Brandon Reeves Dealership. To the side, there is some shrubbery beside the Hospice sign there.

Mr. Fisher said Mr. Hodge regarding the "buffering" requirements, I would like to introduce this as an exhibit and if you can come with me here. I think this would be helpful. (Mr. Fisher brings forward a site plan towards the Board. Exhibit 16) He said to Mr. Hodge, point out where Roosevelt Blvd is.

Mr. Hodge said here is Roosevelt Blvd. (Points on the site plan)

Mr. Fisher said clearly trying to buffer all that traffic, but is this a small strip of land owned by Hospice.

Mr. Hodge said the green illustrates the old planted buffer (Exhibit 16) of the old UDO and I will show that later. The brown is basically the extent of the planted buffer under the new.

Mr. Fisher said if you will answer my question. Let's just talk about the uniqueness of this piece. There is a small strip of land here, correct?

Mr. Hodge said correct. There is, between the asphalt pavement and the property line.

Mr. Fisher said is it possible to build any improvement within that area?

Mr. Hodge said no sir.

Mr. Fisher said this is an enlarged asphalt driveway leading to the Hospice facility. Your photograph also depicted a huge billboard and on this portion, is there not Bearskin Creek... inaudible.

Mr. Hodge said it would become a tributary for Bearskin Creek during a flood. FEMA mapping has it as part of the floodway and the floodway fringe that when Bearskin Creek actually floods, it reverse flows and comes up and used Highway 74 to get back into the bridges there.

Mr. Fisher said essentially nothing could be built there.

Mr. Hodge said no sir.

Mr. Fisher said just beyond that, there is Brandon Reeves Car Dealership. Let's go to the rear of the property. Is this the berm that you are referring to?

Mr. Hodge said yes sir.

Mr. Fisher said does it run right there? (Points to Exhibit 16). If this gives you a sense of where things are.

Mr. Fisher said essentially this berm buffers this whole area, is that correct?

Mr. Hodge said yes sir.

Mr. Fisher said then on this side, I think you indicated that this cinderblock building and these trucks.

Mr. Hodge said you can see the driveway entrance here that is part of that property. (Points to Exhibit 16)

Mr. Fisher said let's talk about….

Chair said go ahead and pull it off because you are going to have to give it to me now, it's a part of record because you introduced it.

Mr. Hodge said I will give it to you now. This is actually in your packet, this is just a larger scale of what you have already.

Chair said the other one I will have to have though because it becomes Exhibit 16.

Mr. Hodge said we are still using it.

Chair said when you are done with it.

Mr. Fisher asked Mr. Hodge can you explain to the members of this Board what this is? What this depicts? (Points to Exhibit 16)

Mr. Hodge said this is a plot that was drawn from my Civil Engineer based on some of the discussions that I've had with Doug Britt and interior landscaping, as far as tree wells and things where the ordinance requires parking spaces to be so far from a tree. That's what we have illustrated here, planting and things.

Mr. Fisher asked about when did this discussion take place?

Mr. Hodge asked with Doug?

Mr. Fisher said yes.

Mr. Hodge said that was 12/09/2021.

Mr. Fisher asked, you reviewed this map?

Mr. Hodge said I reviewed another map and this is the result of that meeting. Adding the tree wells.

Mr. Fisher asked, this was pursuant to the Unified Development Ordinance as it existed, at the time?

Mr. Hodge said this plan does not have any of those tree wells.

Mr. Fisher right, but this one does as a result from your conversation with the Planning Department.

Mr. Hodge said this was moving towards finalization.

Mr. Fisher asked, when did you discover that the Planning Ordinance had changed?

Mr. Hodge said I got a notification from my Civil Consultant April 14th of this year and I asked him to give me a map or illustration of how the new versus the old affects and that's what this map came from.

Chair said I am going to throw you a question in here for someone. So, you had a project underway and I think it was fairly common knowledge that Monroe had been looking at updating the UDO for several years and there has been a lot of public notice, including posts on the City webpage. You were unaware of any of those?

Mr. Hodge said I got emailed alerts because I'm a property owner in town.

Mr. Fisher asked when you discovered, was it ever suggested to you Mr. Hodge that as a result of all of the work you had put into this project, that it would possible to preserve Mr. Marin's interest by filing the application before the enactment of the new ordinance?

Mr. Hodge said no.

Mr. Fisher asked if you were ever suggested that?

Mr. Hodge said no.

Mr. Fisher said let's talk about the hardship that this creates. We talked about the fact that the adjoining properties are not going to be negatively impacted by this, in fact there are already buffers out. You did some calculation, I think, and on this map you indicated what those are. If these stringent requirements are enforced, would you tell this Board what the result would be?

Mr. Hodge said I did a quick calculation and the amount of plant buffers under the old UDO was about a 9% of the property. With the added plant buffers, not including the 2,000 foot open space, it was 49%, with the 2,000 open space, it turns out to be close to 54 % of his property which is unusable to build on.

Mr. Fisher asked do you think the City would send Mr. Marin a bill just for the usable portion? I don't think so. So, with respect to this, and with respect to the open area, you have a tag here and in fact this design has a patio, an open patio.

Mr. Hodge said well it's open, but it's covered.

Mr. Fisher asked how many square feet are in that?

Mr. Hodge said it's close to somewhere between 800-900 square foot.

Mr. Fisher said it's this rectangular area right in here? (Points to Exhibit 16) Is it possible then to have an extension of that open space to comply?

Mr. Hodge said that was the intent, to landscape the area and have people to be able to walk out on softer surface and they would have corn hole and things like that, that could be put out there also.

Mr. Fisher said it could be that 5%.

Mr. Hodge said that 5% would have to reach and stretch on down the property line.

Mr. Fisher asked but that could happen?

Mr. Hodge said it definitely could happen. Yes. As you can see right now, the plant buffer takes up, I would say all of our parking, except….inaudible

Chair said 50% of your parking would be gone.

Mr. Hodge said yes sir, I think it would be closer to 60%.

Mr. Fisher said I have a couple questions for Mr. Britt, Mr. Chairman.

Chair said before we go to that, do we have any questions for these gentlemen?

Mr. Smith and Mr. Draper both said no.

Chair said I just need that top sheet with the site plan, the other one I have.

Mr. Fisher said Mr. Britt, you and I had a cordial conversation yesterday when I advised you that I was going to be representing Mr. Marin, do you recall that conversation?

Doug Britt said correct.

DRAFT

Mr. Fisher said at that time, I asked you about the import of the buffer? The 25 ft. buffer. I asked you specifically, was that placed in the ordinance for some environmental reason? Erosion control reason?

Doug Britt said it was not.

Mr. Fisher said in fact it was put in there for cosmetic purposes, correct?

Doug Britt said cosmetic and breaking the paving property line to property line. It was not done for any type of environmental reason, no.

Mr. Fisher said in your opinion, that buffer on this particular piece of property, I'm not commenting on any other piece because it's this particular piece. Do you see any cosmetic benefit from enforcement a 25 ft. plant buffer all the way around that property?

Doug Britt said obviously with a 25 ft. buffer, is it more aesthetically pleasing vs. without a buffer? Sure. It is and that's part of the reason for the buffer, but to say that the site can function without the 25 ft. buffer, sure, it can.

Mr. Fisher said I didn't ask you yesterday, but are you familiar with this specific site? Have you been to the site?

Doug Britt said I haven't been to the site, but I've been by the site.

Mr. Fisher said and you know that big berm in the back?

Doug Britt said yes, I've been to Hospice back there numerous times, so I am aware of the berm back there, yes.

Mr. Fisher said that berm serves as a buffer of that property in the rear.

Doug Britt said yes, because whether that berm partly goes around on this subject property, but the vast majority of the berm is on the Hospice side because that's their property. But, if the project is developed and as long as the berm and landscaping stays and Hospice doesn't remove it, which I don't know why they would, yeah, there is a fair amount of buffer on the rear.

Mr. Fisher said going down the driveway on the Hospice side, you are aware of the tributary basin on that side, it's not buildable, correct?

Doug Britt said correct.

Mr. Fisher said the huge billboard that's right there at the street, you are also familiar with the plat where there is just a little strip of real estate and then there is the drive way.

Doug Britt said right.

Mr. Fisher said then there is a car dealership beyond that.

Doug Britt said right.

Mr. Fisher said while it would be aesthetically pleasing for the billboard and the car dealership, that's what it would be, for their purposes. On the other side, that cinderblock building has been there for years. As far as you know, it's being used for commercial purpose, there is no residential. One last question, in the old ordinance, commercial beside commercial, what were the buffers under the old ordinance?

Doug Britt said if you were going GB to adjacent to GB (General Business), it would be a 4 ft. buffer, which is basically just an impervious setback saying that you cannot pave within 4 ft. of their property line.

Mr. Fisher asked you just can't pave to 4 ft. of the property line?

Doug Britt said yes, in essence, what you would have is an 8 ft. gap between my property and your property because you can't pave within 4 ft. of your property line and 4 ft. of my property line. So, you would have an 8 ft. gap.

Mr. Fisher said just for the record, if an application and you knew Mr. Hodge was working on an application as far back as…

Doug Britt said I think you said December 9th.

Mr. Fisher said if an application had been filed before the enactment of the new ordinance, it would have been a vested right, correct? It would allow to be built consistent as shown under the old ordinance.

Doug Britt said correct. And we did have a conversation that day, according to Mr. Hodge on December 9th. But, from staff's perspective, we talk to people daily that say they are going to build this or develop that and so when it comes when they submit 4 and a half months later, staff has no idea. Things happen all the time when projects fall through and at the time, the question was asked could you do a restaurant at this property, yes you could, but did I go into further details about the new code, because as we spoke yesterday, we had done that previously prior to September as we were getting ready to go forward with adoption of the code. With staff's anticipation and hoping that the ordinance would be adopted, in September what probably happened was we were telling people hey, the ordinance is going forward. That's the path we started going down, but when the ordinance did not get adopted and it was tabled until March, at that point, we decided if someone comes in and not knowing until March, we were just going to talk about the current code because that's what was in effect at that particular time. As I spoke to you yesterday, even if I would have told him the buffers in December when we had our conversation were not the buffers that got adopted in April. The buffers that was in place in February were not the same buffers that was adopted in April, so even if I did have a conversation in February and March because the buffer stuff was moving around, even at the very end of the process, so there is no way, I could have had a conversation with anybody to have a crystal ball to say "hey, come April 12th, this is what the buffer is going to be" when I'm talking to someone in February and March. Staff cannot predict what Council is going to do as far as what people are going to vote. Unfortunately for them, they were caught in the middle of that, just like what Mr. Fisher said. What we are in charge with is applying black and white in the code and that's what's being applied and that's why they are requesting a variance tonight.

Chair asked if anyone has any questions for the petitioner? Or Doug?

Mr. Fisher said if I may, I have one other witness and that is Mr. Marin himself, who is the owner of the property.

Chair said I intended to call and see if there was anyone else that wanted to speak in favor of the project.

Mr. Marin said my name is Rogelio Marin Sr., and I live at 312 Wheatberry Hill Dr. in Matthews, NC 28104.

Mr. Fisher asked Mr. Marin if you are the owner of the Monterrey restaurant?

Mr. Marin said yes, I own Monterrey Mexican restaurant in Monroe for 28 years.

Mr. Fisher said you actually originally had a small restaurant for Monterrey on the opposite side of US 74.

Mr. Marin said yes. 1007 W. Roosevelt Blvd.

Mr. Fisher said you proudly built a new Monterrey.

Mr. Marin said yes, at 1006 W. Roosevelt Blvd.

Mr. Fisher asked how many employees do you have at your restaurant?

Mr. Marin said we have 30-35 employees.

Mr. Fisher said on this particular piece of property, you have been working with Mr. Hodge.

Mr. Marin said yes, I have.

Mr. Fisher said you've made the plans, have you secured the loan to build this building? This restaurant?

Mr. Marin said yes I have.

Mr. Fisher asked if that was at First Citizens Bank?

Mr. Marin said yes.

Mr. Fisher asked do you have an opinion as to what the value of the completed construction? That is what you paid for the real estate and the new building.

Mr. Marin said I have. It is 1.5 million dollars.

Mr. Fisher asked in fairness, before you bought this property, did you ask about whether or not you could build a restaurant or not?

Mr. Marin said yes, when I saw the sign that they had for sale there. They had a saying that it was specific for a restaurant, so that is why I called the realtor and that's when I told him my thoughts. He did say let me check with the City and I will let you know 100%. He called me and said yes you can build, that is what it is for.

Mr. Fisher asked before you bought the property, you actually had spoken with Mr. Hodge, correct?

Mr. Marin said yes.

Mr. Fisher said you had confirmed that you had learned from the realtor that you could build a restaurant on the property and it was only after that, that you had bought the property.

Mr. Marin said yes.

Mr. Fisher said let me ask you, how many employees do you anticipate working in the new restaurant?

Mr. Marin said since it is a little smaller than Monterrey, my son and I have calculated 15-20 employees.

Mr. Fisher said let's put some numbers with this, do you pay sales tax for the Monterrey restaurant?

Mr. Marin said I do.

Mr. Fisher said a portion of that comes back to the City. How much do you pay a month in sales tax?

Mr. Marin said from $18,000-$22,000.

Mr. Fisher said so, it's about $20,000 a month. So, you pay almost a half a million dollars in sales tax for Monterrey. What do you anticipate the sales tax for the new restaurant?

Mr. Marin said $15,000-$17,000, similar. I am thinking we will do 80% - 90% of what I do at Monterrey.

Mr. Fisher said thank you Mr. Marin.

Chair asked if there is anyone else that would like to speak in favor of the project? Is there anyone here that wants to speak against the project? Very well, for Board members, I propose that we accept the photographs that we have been provided as Exhibit 10-15 and the buffer impact drawing/site plan as Exhibit 16. Are there any objections?

There were none.

Chair said at this moment, I will entertain motions on whether or not to accept the proposed Findings of Fact 1-6 as a matter of record.

Motion: Mr. Draper made a motion to adopt the Findings of Fact 1-6.
Second: Mr. Smith
Action: The motion to adopt the Findings of Fact 1-6 passed unanimously with the following votes:

AYES: **Kenneth Deal, William Draper and George Smith**
NAYS: **None**

Chair stated based on the findings, we are now moving on to the conclusion phase on whether to grant or deny the request for the variance.

Chair said now we are moving onto the conclusions.

1. It is the Board's CONCLUSION, that unnecessary hardship (would/~~would not~~) result from the strict application of the ordinance.

Motion: Mr. Smith made a motion that it would be an unnecessary hardship being the fact that it would take too much of the usable area of this parcel of land and almost make it

unusable.

Second: Mr. Draper

Action: The motion passed unanimously with the following votes:

AYES: **Kenneth Deal, William Draper and George Smith**
NAYS: **None**

2. It is the Board's CONCLUSION, that the hardship (is/~~is not~~) peculiar to the applicant's property.

Motion: Mr. Draper made a motion that it is peculiar to that piece of property and the angles that it has and almost anything that he does reduces the parking spaces and makes the plan unusable.

Second: Mr. Smith

Action: The motion passed unanimously with the following votes:

AYES: **Kenneth Deal, William Draper and George Smith**
NAYS: **None**

3. It is the Board's CONCLUSION, that the hardship (~~is~~/is not) the result of the applicant's own actions.

Motion: Mr. Smith made a motion that it is not because he had this plan ready to go and the ordinance changed. So, it is what it is now, but it is not what it was at the time he went ahead with his project.

Second: Mr. Draper

Action: The motion passed unanimously with the following votes:

AYES: **Kenneth Deal, William Draper and George Smith**
NAYS: **None**

4. (a) It is the Board's CONCLUSION, that the variance (is/~~is not~~) consistent with the spirit, purpose, and intent of the ordinance.

Motion: Mr. Draper made a motion that it is because the hardship makes it so that what he is putting down it spans the neighborhood and it aesthetically improves that area, even though it is not the standard anymore.

Kevin Hornik said for what it's worth, I think you've also heard testimony from staff that the new buffer standard would provide negligible benefit as opposed to the old buffer standard which might make it consistent.

Mr. Smith said especially on this parcel of land. I mean, this is like you've gone into a big field and putting a buffer on it. Like, this fits on this puzzle piece and how do we deal with it.

Mr. Draper said the buffer wouldn't make as much of an impact in that particular area because of what's around it.

Mr. Smith said this is the hard part, to choose which one. So, we are making a motion that it is.

DRAFT

Mr. Draper said it is.

Second: Mr. Smith
Action: The motion passed unanimously with the following votes:

AYES: **Kenneth Deal, William Draper and George Smith**
NAYS: **None**

(b) It is the Board's CONCLUSION, that in granting of the variance, the public safety (will/~~will not~~) be secured and substantial justice (will/~~will not~~) be achieved.

Motion: Mr. Smith made a motion that in granting the variance, the public safety will be secured and substantial justice will be achieved.
Second: Mr. Draper
Action: The motion passed unanimously with the following votes:

AYES: **Kenneth Deal, William Draper and George Smith**
NAYS: **None**

Chair asked for a motion to grant or deny the variance request

Motion: Mr. Smith made a motion to grant this variance based on the information provided.
Second: Mr. Draper
Action: The motion to grant the variance passed unanimously with the following votes:

AYES: **Kenneth Deal, William Draper and George Smith**
NAYS: **None**

Item 5. **Procedural Discussions**

Chair said Mr. Attorney, is there any procedural discussions necessary?

Kevin Hornik said as I understand it, the typical procedure is that Al would have written a proposed order or a proposed written decision on the variance ahead of the meeting. I was not made aware of that by Al at the time, so with staff's blessing and of course the blessing of the Board, I will prepare a written decision and I will circulate it to staff for you all to review to make sure it looks factually accurate based on the evidence that was presented. Then, at the Board's next meeting, we can formally vote to approve the decisions. Of course, it doesn't change that the variance has been approved based on the vote of the Board. We just have to dot some t's and cross some i's in getting the written decision approved.

Item 6. **Next Meeting – July 28, 2022**

Item 7. **Adjournment**

DRAFT

Motion: Mr. Draper made a motion to adjourn the meeting.
Second: Mr. Smith
Action: The motion to adjourn passed unanimously with the following votes:

AYES: **Kenneth Deal, William Draper and George Smith**
NAYS: **None**

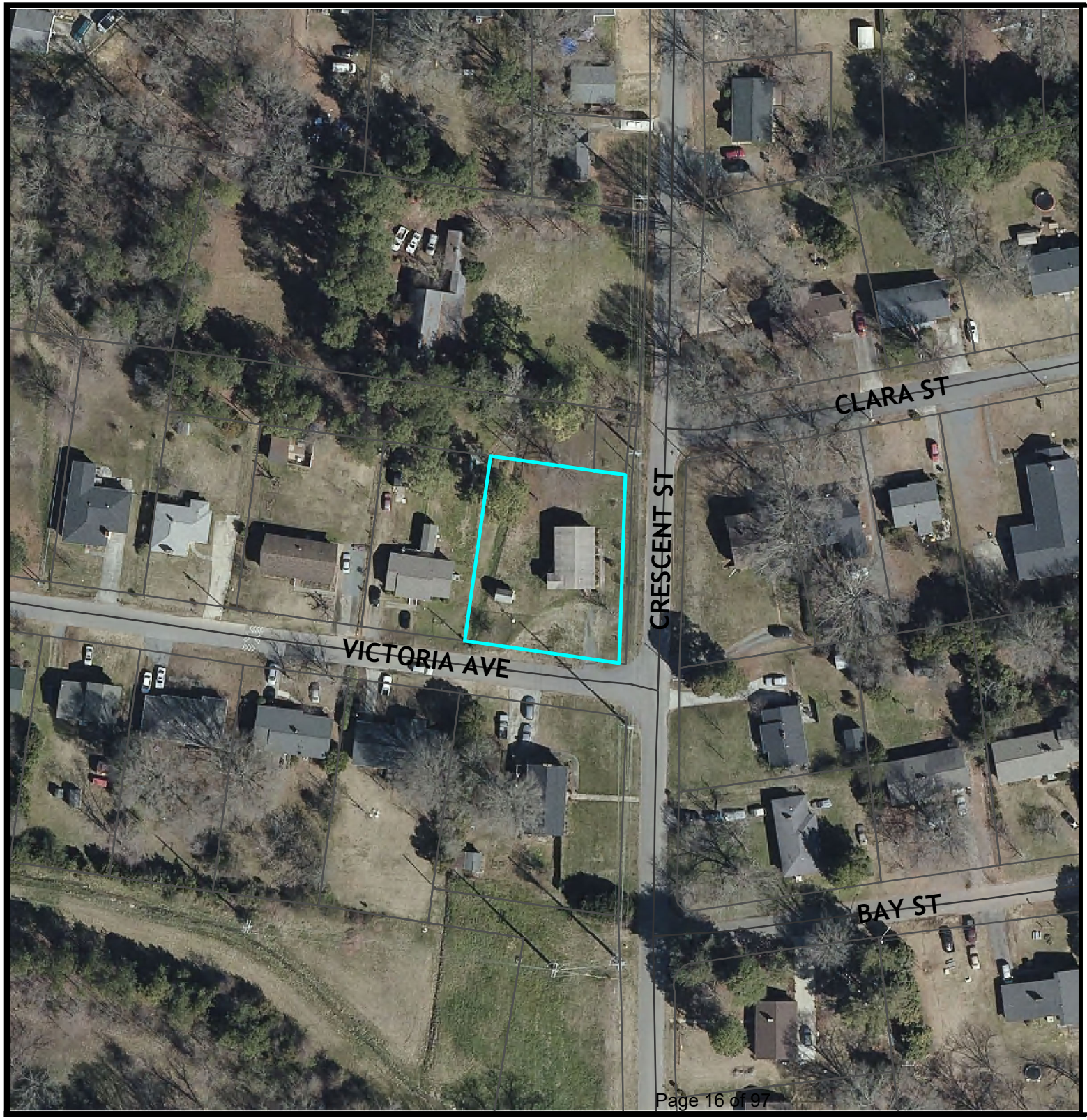
The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Kenneth Deal
Chair

Ashlyn Penegar
Clerk of the Board

DRAFT



City of Monroe
Where Heartland Meets High Tech

Ortho Map

1108 Crescent Street

Legend

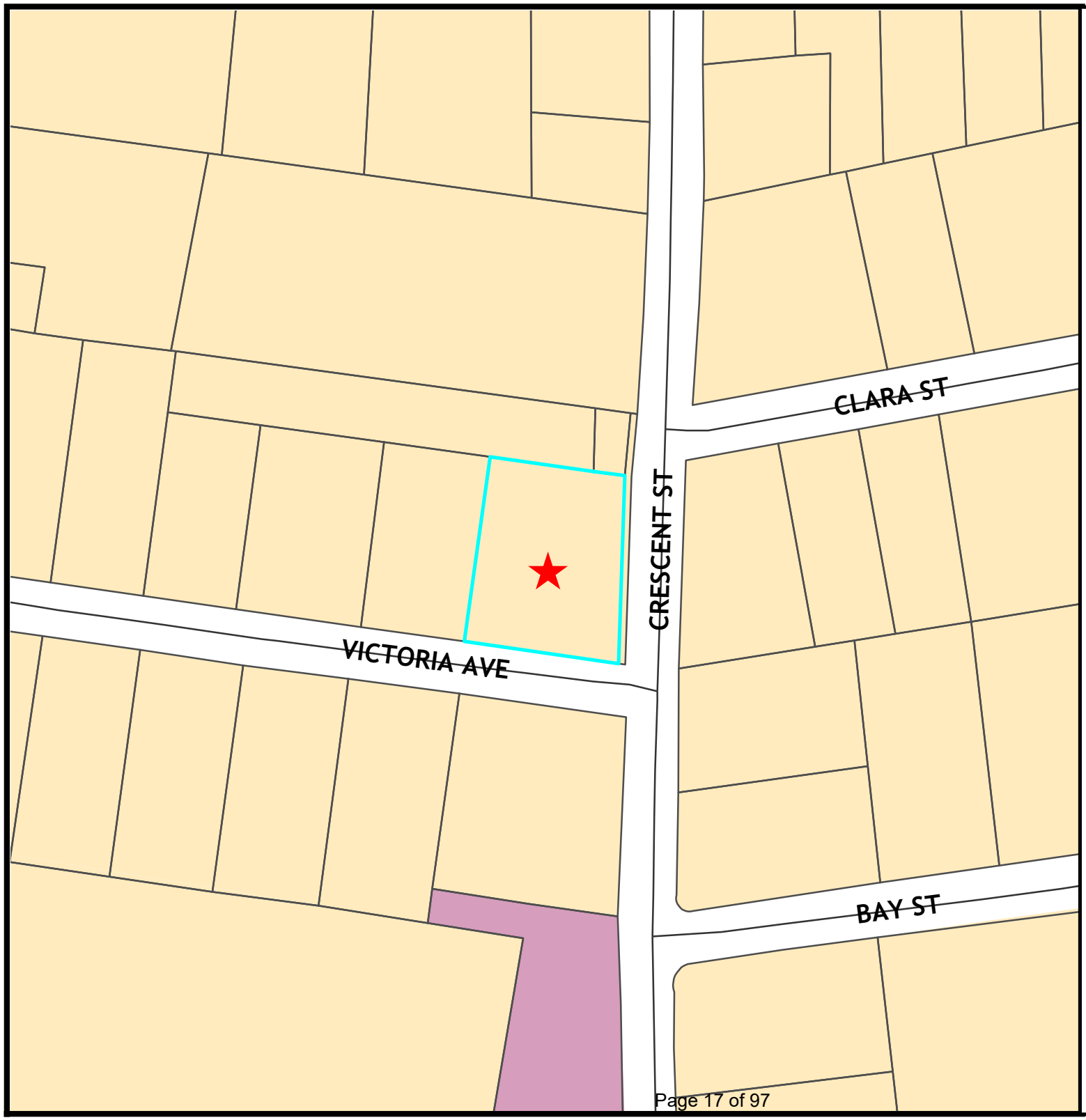
- Centerlines
- Parcels
- Subject Property

N
W E
S

Owner: Gary Ross, Debra Ross

Acres: 0.35

0 20 40 80 120 160 Feet



City of Monroe
Where Heartland Meets High Tech

Zoning Map

1108 Crescent Street

Legend

Centerlines
Parcels

Zoning

CD
RMD
Subject Property

N
W E
S

Owner: Gary Ross, Debra Ross

Acres: 0.35

0 20 40 80 120 160
Feet

City of Monroe
Planning & Development

City of Monroe
Variance Application Form

For Staff Use Only
Application #:
Date Submitted:
Approved:
Denied:

Applicant's Name: GARY ROSS

Applicant's Address: 1108 CRESCENT ST.
MONROE, NC 28112

Property Owner's Name: GARY ROSS

Property Owner's Address: 1108 CRESCENT ST.
MONROE, NC 28112

Legal Relationship of Applicant to Property Owner: SELF

Contact Person Name and Phone Number: GARY ROSS 336-689-7000

Existing Use of Property: RESIDENCE

Property Location: 1108 CRESCENT ST. MONROE, NC 28112

Tax Map Number: ___-_____-_____ Lot Size: _____ Zoning District: _____

Ordinance section number to which a variance is being sought. _____

Proposed variance description: I WANT TO ADD A 16'X20' DECK TO THE FRONT OF MY HOME

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under NC State law, the Board must reach the conclusions listed below before it can issue a variance. When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of the conclusions below.

Please provide facts and arguments on how the request for a variance meets each of the conclusions listed below. Please be as specific as possible in your statements. *Should you need more room to complete the information, please attach a separate sheet.*

1. **There are unnecessary hardships in the way of carrying out the strict letter of the ordinance.** [It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property, and it is not sufficient that failure to grant the variance will simply make the property less valuable.]

   THE AMOUNT OF OFFSET TO THE FRONT OF MY HOME WAS INVOLUNTARILY REDUCED WHEN THE CITY TOOK LAND TO PUT IN POWER LINES.

2. **The hardship results from conditions that are peculiar to the property, such as location, size, or topography.** [Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance

/

3. **The hardship did not result from actions taken by the applicant or the property owner**. [The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship]

THE HARDSHIP WAS CREATED BY THE CITY OF MONROE WHEN LAND WAS TAKEN TO PUT IN THE ELECTICAL CARRIAGE LINES

4. **The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.**

THE HOME WAS BUILT IN MID 70'S AND MY FAMILY HAS BEEN THE ONLY OWNERS. WE WANT TO BE ABLE TO SIT OUTSIDE AND THE ADDITION OF THAS DECK IN NO WAY INFRINGES ON CITY OR NEIGHBORS.

Request for variances may need to be accompanied by a sketch plan or survey from a Registered Land Surveyor. Said plan shall show, in a scaled form, the location and size of:

1. The boundaries of the lot(s) in question,
2. The size, shape and location of all existing buildings, parking facilities and accessory buildings,
3. The size, shape and location of all proposed buildings, parking facilities and accessory uses,
4. The location of all setbacks and front lot widths as measured at the front setback,
5. The location and type of screening and buffering proposed; and
6. Other information deemed by the Zoning Officer necessary to consider the application complete.

GARY A. ROSS
Printed name of Applicant

Signature of Applicant

AUG 19, 2022
Date

Printed name of Owner

GARY A. ROSS

Signature of Owner

8/29/2022

Date

****If you are signing on behalf of a company, please include your title within the company****

FOR STAFF USE ONLY

(PLEASE DO NOT WRITE BELOW THIS LINE)

Scaled plan attached: Yes _____ No _____ Fee Attached: Yes _____ No _____

Adjoining property owner's information attached: Yes _____ No _____

Public hearing date: _____

Notice to applicant and adjoining property owners mailed on: _____ INT._____

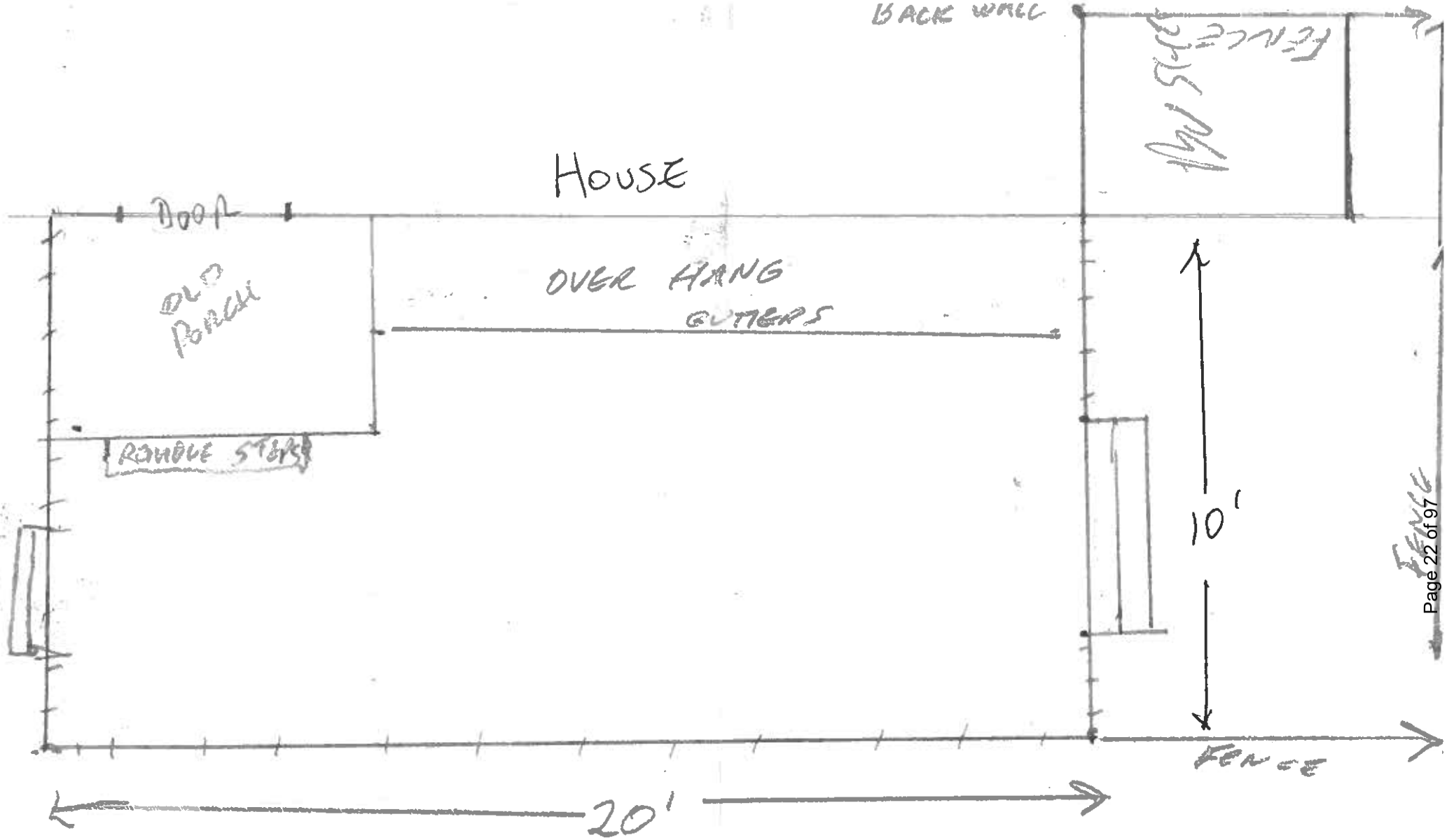
Action taken by the Board of Adjustment:_____

Notification of Action Mailed to applicant on: _____

4. **Buffering**. See Section 8.3.

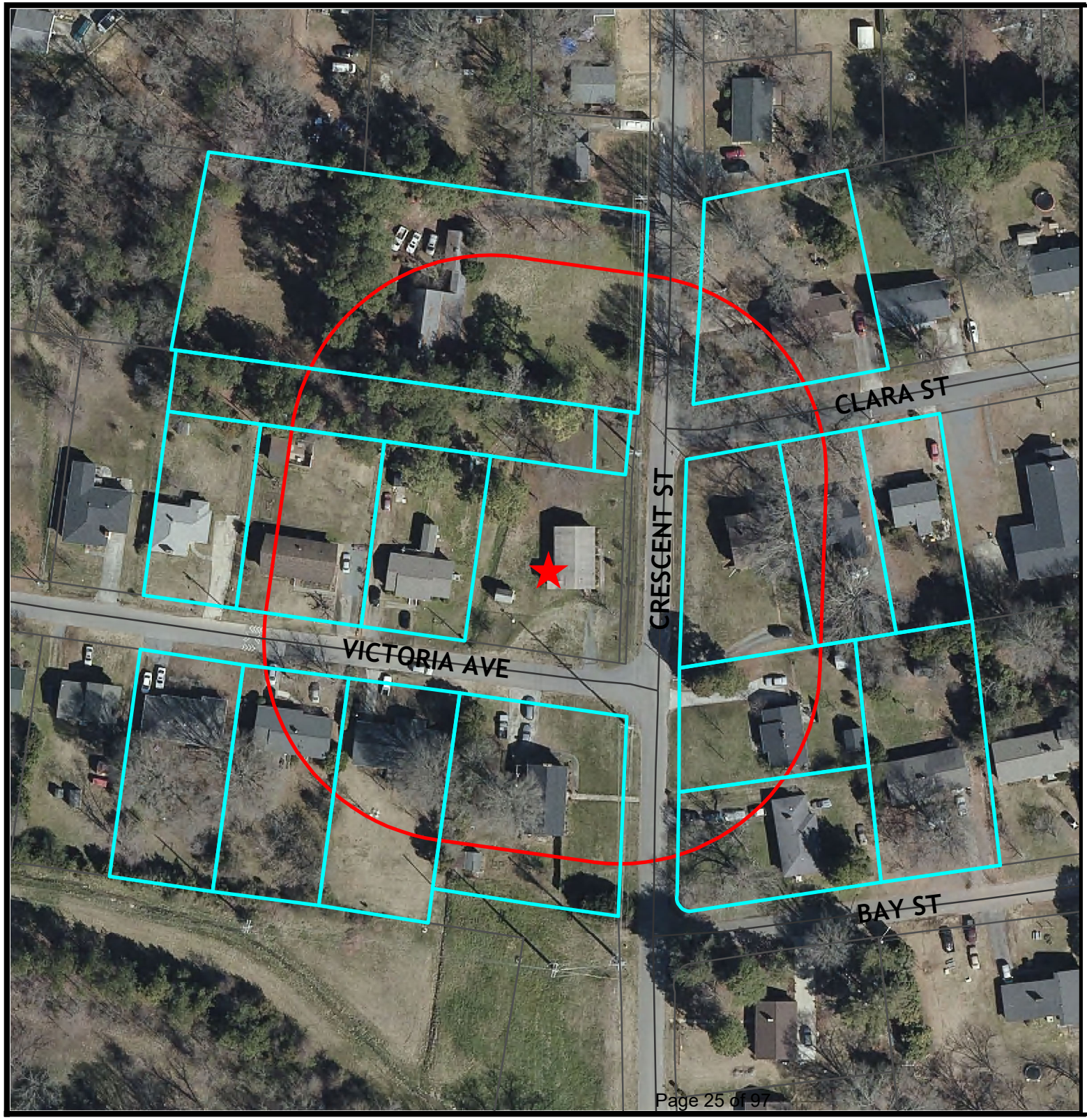
Table 4.2.3.2. RMD District Development Standards Table

RMD District Development Standards Table		
Building Height		Maximum 3 Stories
Density		Maximum 3 Units / Acre (By-Right) Maximum 4 Units / Acre (Cluster)
Setbacks [1]	Front (Street)	20’ May be reduced to 15’ where a common parking area is provided (no driveway/garage)
	Side	10’ (interior lot) 15’ (corner lot)
	Rear	10’ (interior lot) 20’ (through lot)
Lot	Width [2]	75’ Minimum
	Area	12,000 Square Feet Minimum (By-Right) 5,000 Square Feet Minimum (Cluster) (Refer To Table 4.2.2.1)


BACK WALL
FENCE
HOUSE
DOOR
OLD PORCH
OVER HANG
GUTTERS
ROUGH STEPS
10'
FENCE
FENCE
20'

CLARA ST
1106
1120
315
1108
402
CRESCENT ST
VICTORIA AVE
Legend
Centerlines
Parcels
Rail
N
0 5 10 20 30 40
Feet

ACCTNO	OWNERNAME1	OWNERADDRE	OWNERZIP	OWNERSTATE	OWNERCITY	OWNERNAME2
09238111	GONZALEZ ISRAEL MARTINEZ	406 VICTORIA AVE	28112	NC	MONROE	GUZMAN LEONARDA SERRENO
09238128	BURR ROBERT LEE JR HEIRS	1205 CRESCENT ST	28112	NC	MONROE	
09238130	PARKER STEPHANIE J	306 BAY ST	28112	NC	MONROE	
09238136	RICHARDSON MIRANDA	313 CLARA AVE	28110	NC	MONROE	
09238109	DILLINGHAM EMILY	402 VICTORIA AVE	28112	NC	MONROE	DILLINGHAM GARY
09238107	DILLINGHAM EMILY S	402 VICTORIA AVE	28112	NC	MONROE	DILLINGHAM GARY L
09238129	RORIE TAMMY M	1203 CRESCENT ST	28112	NC	MONROE	
09238120	MOSER CHIOMA T	405 VICTORIA AVE	28112	NC	MONROE	
09238121	TYSON EMILY KRONES	2000 ASTORIA DRIVE	28112	NC	MONROE	
09238135	HARDY TIMOTHY DILLON	311 CLARA ST	28112	NC	MONROE	HARDY KAYLA BARTLETT
09238137	SANDERS JEANNE LESLIE	315 CLARA AVE	28112	NC	MONROE	
09238106	CROWDER BRENDA S	4910 CAMPOBELLO DR	28110	NC	MONROE	CROWDER JAMES W
09238108	DILLINGHAM EMILY S	402 VICTORIA AVE	28112	NC	MONROE	DILLINGHAM GARY L
09238138	EG & T CAPITAL LLC	PO BOX 78372	28271	NC	CHARLOTTE	
09238122	WALLACE ROGER	401 VICTORIA AVE	28112	NC	MONROE	
09238123	HAILEY ANTHONY L	1200 CRESCENT ST	281125922	NC	MONROE	
09238110	HERNANDEZ ELVIA LEAL	404 VICTORIA AVE	28112	NC	MONROE	HERNANDEZ MOSES



City of Monroe
Where Heartland Meets High Tech

APO Map

1108 Crescent Avenue

Legend

- Centerlines
- 150 Foot Buffer
- Parcels
- Notified Properties
- Subject Property

N
W E
S

Owner: Gary Ross, Debra Ross

Acres: 0.35

0 20 40 80 120 160
Feet

REVISED STAFF REPORT

Case # PLZNA 2023-00025

TO: Board of Adjustment Members

DATE: October 10, 2022

FROM: Doug Britt, Senior Planner

PREPARED BY: Megan Brightharp, Planner

SUBJECT: Variance request by Gary Ross for property located at 1108 Crescent Street

---

SUMMARY STATEMENT

Gary Ross, is requesting a variance from the front yard buffer in order to construct a front porch for an existing home at 1108 Crescent Street.

SITE DATA

Type of Action:	Variance
Date of Petition:	August 29, 2022
Name of Petitioner:	Gary Ross
Location:	1108 Crescent Street
Tax ID #:	09-238-108A
Lot Size:	.35 Acres
Current Zoning Classification:	RMD (Residential Medium Density) Zoning District

PROPOSED FINDINGS

Proposed Findings:

1. The property located at 1108 Crescent Street is owned by Gary and Debra Ross. and is zoned RMD (Residential Medium Density). (Exhibit 1 and 2)

2. A variance application was submitted on August 29, 2022 requesting to build a 10’ x 20’ porch within the required front yard setback. (Exhibit 3)

3. Unified Development Ordinance (UDO) Section 4.2.3 entitled “RMH- Residential Medium Density” states in relevant parts: (Exhibit 4)

   Table 4.2.3.2 RMD District Development Standards Table
   Setbacks: Front (Street): 20’

4. In order to construct the porch, the applicant requests a front yard setback reduction from 20 feet to 15 feet. (Exhibit 5)

5. All adjacent property owners have been notified of the proposed variance. (Exhibit 6 and 7)

Conclusions:

1. It is the Board’s CONCLUSION, that unnecessary hardship (would/would not) result from the strict application of the ordinance.

2. It is the Board’s CONCLUSION, that the hardship (is/is not) peculiar to the applicant’s property.

3. It is the Board’s CONCLUSION, that the hardship (is/is not) the result of the applicant’s own actions.

4. (a) It is the Board’s CONCLUSION, that the variance (is/is not) consistent with the spirit, purpose, and intent of the ordinance.

   (b) It is the Board’s CONCLUSION, that in granting of the variance, the public safety (will/will not) be secured and substantial justice (will/will not) be achieved.

THEREFORE, on the basis of all foregoing, IT IS ORDERED that the application Variance 2022-00185 be (**approved/denied**).

Exhibits:
Exhibit 1: Ortho Map
Exhibit 2: Zoning Map
Exhibit 3: Application
Exhibit 4 UDO Section 157.4.2.3.2
Exhibit 5 Proposed Addition
Exhibit 6: APO List
Exhibit 7: APO Map

Prepared by: MB 9-30-2022

CITY OF MONROE

SPECIAL USE PERMIT APPLICATION

FOR

METAL RECYCLING SERVICES, LLC

City of Monroe Planning

SPECIAL USE PERMIT APPLICATION

Applicant's Name: Metal Recycling Services, LLC (Attn: Brian Lappin)

Applicant's Mailing Address: 334 Beechwood Rd., Ste. 401
Fort Mitchell, Kentucky 41017

For Staff Use Only
Project Number: _____
Date Submitted: _____
Approved_____
Denied_____

Applicant's Phone Number: 813-486-7566

Applicant's Email Address: brian.lappin@rmrecycling.com

Property Owner: Metal Recycling Services, LLC

Property Location: Intersection of S. Bivens Rd. and E. Hwy 74

portion of --> 090 870 11 4854 0450

Tax ID Number: 090 - 870 - 04A **Deed Reference Number:** BOOK 8163 PAGE 0436

Existing Zoning: GI (general industrial)

Proposed Special Use:
Metal Recycling

Proposed Conditions:
See attached Site Plan

Every petition for a reclassification of property shall be accompanied by a site plan drawn to scale and sealed by a registered engineer, surveyor, architect, or landscape architect licensed to practice in the State of North Carolina. Site plans for subdivision applications shall be in the form of a preliminary plat with all information that is required per Chapter 156 of the Monroe Code of Ordinances – Zoning Code, and specifically listed in the Appendix *Standards*. In addition, all applications for a Special Use Permit shall be accompanied by a written consulting report from a North Carolina State Certified Real Estate Appraisal that conforms to Standard 5 of the Uniform Standards of Professional Appraisal Practice (single family homes on single family lots are exempt from this requirement).The site plan shall include the following information; however, the Zoning Administrator may require additional information whenever necessary and may waive one or more of the requirements if such is found to be irrelevant to the proposed project.

General Information Required

- A location map that shows the project in relation to surrounding parcels, zones, streets, right of ways, and utility services and easements, total acreage, north arrow, legend, and a vicinity map.
- Name of the applicant(s) and the name of the proposed development including a copy of the current deed.
- Scale, at one (1) inch equals 100 feet, unless otherwise approved by the Zoning Administrator.

Information on Natural, Historic, and Recreational Features Required

- Contour lines at no greater than five (5) foot intervals.
- Location and dimensions of all recreational areas, equipment, features, historic sites and open space.
- Natural screening (woods, thickets, etc.), streams, ponds, rivers and similar natural or man-made features.

Zoning and Lot Information Required

- Existing and proposed zoning district lines, flood plain delineation, property lines, existing and proposed parking, trash collection systems and screening (include a copy of the planting schedule) and building footprints for any structure or walls to be placed on the property. Residential uses shall include the number of units per building and the total project.
- Proposed lot dimensions and setbacks, with diagrams of proposed signs showing location on the lot, size, height, and attachment (if indicated).
- Watershed data to demonstrate compliance with sections 156.101 of the Monroe Code of Ordinances.
- Boundary of any phase lines, for phased development plans. (Include a statement for future building time line)
- Detailed landscape plan in compliance with section Chapter 156, Article XVII of the Monroe Code of Ordinances issued by a certified landscape architect, or other certified professional preparer

Transportation and Utilities Information Required

- Existing and proposed streets, sidewalks, easements, parking and loading areas, drainage facilities, storm water control devices, and public utilities.
- A driveway permit from NCDOT for developments on state maintained roads, and a city driveway permit for development on city maintained streets.
- A letter from the Director of Water Resources stating that adequate water and sewer is available, or can be made available, to the site in adequate capacities.

Special use permit approval requires several standard findings of fact (see below). It shall be the responsibility of the applicant to address all findings related to the development proposal. The burden of submitting competent evidence that the findings have been met is the applicant's responsibility. Every application shall include an appraisal report from a certified appraiser that the proposed use will not substantially injure the value of the adjoining property, as specified in the findings below. Additional information supporting the special use permit application shall be the responsibility of the petitioner and not the responsibility of the city.

At the Board of Adjustment hearing, petitioners should be prepared to testify to the following standard findings of fact for all special uses:

1. Will not endanger the public health or safety.
2. Will not injure the value of adjoining or abutting property.
3. Will be in harmony with the area in which it is located, and
4. Will be in conformity with the land-use plan, thoroughfare plan, or other plan officially adopted by the Council.

Note: Due to the amount of detailed information needing to be submitted to the city, it is *requested* that early contact with the city planning department be accomplished to avoid unnecessary delays. All applications for a special use permit shall be reviewed by the Zoning Administrator prior to Board of Adjustment review. The applicant shall submit a completed application no later than 30 days prior to the Board of Adjustment meeting at which the petition is to be heard. If the application is found to be incomplete or the development is found to be in conflict with the requirements of this application, the developer shall be notified and the petition rejected.

Upon acceptance of the site plan by planning staff, the petitioner shall provide a digital copy of the site plan. Depending on site details, the applicant may be required to provide ten (10) copies of the site plan for review by the Board of Adjustment.

It is understood and acknowledged that if the Special Use Permit is authorized, the property involved in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 156.42 of *the Zoning Ordinance of the City of Monroe Code of Ordinances*.

I. Special Use General Standards:

A. *The use will not materially endanger the public health or safety if located, designed, and proposed to be operated according to plan.* No, the use will not endanger public health or safety. The proposed use is an expansion of the existing metal recycling facility located on Bivens Road. The proposed expansion will take what is currently treated as waste from the existing facility and run it through an additional process that will pull out additional metals for recycling. As a result, the project will benefit the public health by decreasing waste in area landfills and having other positive environmental impacts. The expanded facility also will be constructed to meet and operate in accordance with all applicable health and safety requirements, will be constructed with all necessary fire suppression systems, and will have exterior fencing to prevent unauthorized personnel from entering the facility.

B. *The use or development complies with all regulations and standards of the City of Monroe Zoning Ordinance, as well as any other state or local rule or regulation governing the development of land.*
Yes, the development is in compliance with all requirements of the Monroe Zoning Ordinance and other applicable law. The property is currently zoned General Industrial, and recycling services are permitted in general industrial areas with the granting of a special use permit. The applicant has retained engineers, civil and environmental specialists, and other consultants to assist with the design and development process and to ensure that all legal requirements are properly met.

C. *The use or development will not adversely impact surrounding property and will not substantially injure the value of adjoining property.*
No, as detailed in the enclosed impact study, the proposed development will not have any negative impact on the value of neighboring property. The proposed development also will not create any significant noise, fumes, or light or otherwise adversely impact neighboring property, most of which is currently being utilized for similar industrial purposes, including an existing metal recycling center.

D. *The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Monroe Land Development Plan.*
Yes, the proposed development will be in harmony with the area and in conformity with the Land Development Plan. All of the neighboring property is zoned G-I or G-B, and similar industrial uses, including an existing metal recycling center and chicken processing plant, are located in the immediate vicinity of the site. The site is located in one of the areas designated in the Land Use Plan as "Manufacturing, Logistics, and Aerospace," and industrial uses are appropriate in those areas.

To the best of my knowledge, all of the information herein submitted is accurate and complete.

Applicant (printed): BRIAN S. LAPPIN

Applicant's Signature: _____ Date: 6/24/22

Property Owner: METAL RECYCLING SERVICES LLC

By: BRIAN S. LAPPIN Title: CONTROLLER

Owner's Signature: _____ Date: 6/24/22

****If you are signing on behalf of a business (such as an LLC), you must include your title with the company****

APPLICATION INDEX

Exhibit 1	Copies of Deeds for Two (2) Parcels
Exhibit 2	Letter from Director of Water Resources Regarding Sewer and Water Availability
Exhibit 3	Site Plan
Exhibit 4	Sample Building and Equipment Images[1]
Exhibit 5	Appraiser's Report

1 - The images are samples and are intended to provide a general idea of what will be constructed, but actual construction may vary.

EXHIBIT 1

COPIES OF DEEDS FOR TWO (2) PARCELS

FILED
UNION COUNTY
CRYSTAL CRUMP
REGISTER OF DEEDS

FILED	Apr 01, 2008
AT	08:21 am
BOOK	04854
START PAGE	0450
END PAGE	0452
INSTRUMENT #	12325
EXCISE TAX	$822.00

SWC

Excise Tax $822.00 Recording Time, Book and Page

Tax Lot No. 09087011 Parcel Identifier No. _____

Verified by _____ County on the _____ day of _____, 2008 by _____

Tax Mailing Address: _____

Mail after recording to: Grantee

This instrument was prepared by Michael T. Cronin, Esq., Moore & Van Allen PLLC

Brief description for the Index Approximately 8.38 acres, Hasty Street and Bivens Road

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made this 31st day of March, 2008, by and between

CENTRAL CAROLINA SHREDDING, LLC, a North Carolina limited liability company 150 South Bivens Rd Monroe NC 28112	**METAL RECYCLING SERVICES LLC, a Delaware limited liability company, d/b/a Parcs-MRS Holdings LLC** 150 South Bivens Rd Monroe NC 28112

WITNESSETH, that Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, that certain lot or parcel of land situated in the City of Monroe, Union County, North Carolina and more particularly described in Exhibit A attached hereto (the "**Property**").

The Property hereinabove described was acquired by Grantor by instrument recorded in Book 3797, Page 460, Union County Register of Deeds.

TO HAVE AND TO HOLD the aforesaid Property and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

1. Ad valorem real property taxes for the year 2008 and subsequent years;
2. Rights of Way to Duke Power Company recorded in Book 141, page 100 and Book 77, page 344, Union County Register of Deeds.
3. Memorandum of Action recorded in Book 221, page 608. See in connection therewith Consent Judgment recorded in Book 226, page 618, Union County Register of Deeds.
4. Right of Way to the City of Monroe recorded in Book 199, page 44, Union County Register of Deeds.
5. Right of Way to Southern Bell Telephone and Telegraph Company recorded in Book 59, page 713, Union County Register of Deeds.
6. Clearance Permit to Southern Bell Telephone and Telegraph Company recorded in Book 85, page 468, Union County Register of Deeds.
7. Rights of the United States of America as set forth in instrument recorded in Book 105, page 542, Union County Register of Deeds.
8. Agreement recorded in Book 53, page 125, Union County Register of Deeds.
9. Those matters disclosed on that certain survey prepared by McKim & Creed, dated March 17, 2008, Scale 1" = 100', and identified as Project # 1430-0005.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its company name by its duly authorized manager, the day and year first above written

Central Carolina Shredding, LLC, a North Carolina limited liability company

By: _____
Name: JASON HORNER
Its: Manager

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Christy M. Churun, a Notary Public in and for Union County, North Carolina State, do hereby certify that Jason Horner (the "Signatory"), either being ☑ personally known to me or ☐ proven by satisfactory evidence (said evidence being _____), personally came before me this day and acknowledged that he is Manager of Central Carolina Shredding, LLC, a North Carolina limited liability company (the "Company"), and that he, as Manager, being authorized to do so, executed the foregoing instrument on behalf of the Company.

The Signatory acknowledged to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Witness my hand and notarial stamp or seal, this 25 day of March, 2008

Christy M. Churun
Notary Public
My Commission Expires: November 19, 2011

[NOTARIAL STAMP OR SEAL]

CHRISTY M CHURCH
NOTARY
PUBLIC
UNION COUNTY, NC

EXHIBIT A

Legal Description

BEGINNING at a nail located at the intersection of the center of the right of way of CSX Railroad (said right of way being 200 feet in width) with the center of the right of way of Bivens Road (said right of way being 60 feet in width) and runs thence a line within the right of way of Bivens Road South 20-30-00 West 992.00 feet to a point located near the center of the pavement for the east bound lanes of US Highway 74, thence with a line running nearly with the center of the pavement of the east bound lanes of US Highway 74, North 82-30-00 East 736.00 feet, thence North 10-00-00 West 10.00 feet to a point, thence North 33-57-21 West 127.36 feet to a set iron rebar, said rebar being located North 82-13-16 East 6.23 feet from an existing right of way monument, thence North 37-07-28 West 13.24 feet to a set iron rebar, thence North 19-22-28 West 50.00 feet to a set iron rebar, thence North 03-52-28 West 270.00 feet to a set iron rebar, thence North 05-52-28 West 90.00 feet to a set iron rebar, thence North 19-52-28 West, passing a set iron rebar on the southern edge of the right of way of CSX Railroad at 124.36 feet, a total distance of 247.00 feet to a set iron rebar in the center of the right of way of CSX Railroad, thence along and with the center of said right of way, North 74-30-00 West, passing a set iron rebar located on the eastern edge of the right of way of Bivens Road at 145.92 feet, a total distance of 176.00 feet to the point and place of BEGINNING and being and containing 8.664 acres more or less, 5.265 acres of which is located outside the right of way of US Highway 74, Bivens Road and the CSX Railroad, all as shown on a survey by Sidney M. Sandy dated October 20, 2003.

FILED ELECTRONICALLY
UNION COUNTY NC
CRYSTAL D. GILLIARD

FILED Jul 08, 2021
AT 09:51:00 AM
BOOK 08163
START PAGE 0436
END PAGE 0441
INSTRUMENT # 32196
EXCISE TAX $1,000.00

Excise Tax: $1,000.00

Tax Lot No: _____ Parcel Identifier No. 09-087-004A
Verified by _____ County on the _____ day of _____, 2021 by _____

Mail after recording to Grantee
This instrument was prepared by to Helms Robison Lee & Bennett, P.A., James Allen Lee (est)
NO TITLE EXAMINATION PERFORMED BY PREPARER

Brief Description for the index	11.29 Acres off US Hwy 74 & Andrew Jackson Hwy.

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made June 25, 2021 by and between

GRANTOR	GRANTEE
BILL G. BRASWELL, JR., and spouse, **CAROLYN B. BRASWELL;** **MARY ALICE BRASWELL FAGG and spouse,** **DUANE S. FAGG; and** **LINDA B. OELSCHLAEGER and spouse,** **TERRY D. OELSCHLAEGER** **c/o PO Box 567** **Wingate, NC 28174**	**METAL RECYCLING SERVICES LLC** **(a Delaware limited liability company)** 334 Beachwood Rd., Suite 401 Fort Mitchell, KY 41017

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

[1914502/1] N. C. Bar Assoc. From No. 3 © 1977
Printed by Agreement with the N.C. Bar Assoc.
#003 Submitted electronically by "Gallimore Levy Chrisawn Gallimore PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Union County Register of Deeds.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Monroe Township, Union County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

All or a portion of the property herein conveyed ___ includes or _XX__ does not include the primary residence of a Grantor.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3662, Page 656, Union County Registry.

A map showing the above described property is recorded in Plat Cabinet O, File 74.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

1. The lien of all taxes for the year 2021 and thereafter, which are not yet due and payable.
2. Building restriction lines, easements, and any other matters shown on map or plat recorded in Plat Cabinet O, File 74, Union County Registry, North Carolina.
3. Easement(s) or right(s)-of-way in favor of Duke Power Company recorded in Book 142, Page 256, in the aforesaid Registry's Office.
4. Agreement recorded in Book 219, Page 127, in the aforesaid Registry's Office.
5. Easement(s) or right(s)-of-way in favor of Telephone Company recorded in Book 220, Page 227, in the aforesaid Registry's Office.
6. Easement Deed by Court Order in Settlement of Landowner Action, recorded in Book 6058, Page 676, in the aforesaid Registry's Office.
7. Title to that portion of the Land within the bounds of SAL Railroad.
8. Discrepancies, variances, shortages or overages in the acreage of the Land.
9. The following matter(s) as shown on preliminary survey by Andrew O. Lawrence, dated June 16, 2021, and any easement(s) or right(s)-of-way associated therewith: a. Various utility lines located on the Land; & b. Ditch located along the westerly boundary line.

[SIGNATURES FOLLOW]

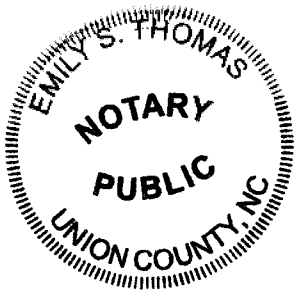
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

_____(SEAL)
Bill G. Braswell, Jr.

_____(SEAL)
Carolyn B. Braswell

NORTH CAROLINA, UNION COUNTY.

SEAL-STAMP



I, the undersigned, a Notary Public of the County and State aforesaid, certify that **BILL G. BRASWELL, JR. and spouse, CAROLYN B. BRASWELL,** Grantors, personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing instrument for the purpose stated therein and in the capacity indicated.

This 25th day of June, 2021.

_____Notary Public
Emily S. Thomas
(Typed or printed name of Notary)

My commission expires: 1/26/2024

[1914502/1] N. C. Bar Assoc. From No. 3 © 1977
Printed by Agreement with the N.C. Bar Assoc.
#003

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Linda B. Oelschlaeger (SEAL)
Linda B. Oelschlaeger

Terry D. Oelschlaeger (SEAL)
Terry D. Oelschlaeger

NORTH CAROLINA, UNION COUNTY.

SEAL-STAMP

I, the undersigned, a Notary Public of the County and State aforesaid, certify that **LINDA B. OELSCHLAEGER and spouse, TERRY D. OELSCHLAEGER,** Grantors, personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing instrument for the purpose stated therein and in the capacity indicated.

EMILY S. THOMAS NOTARY PUBLIC UNION COUNTY, NC

This 25th day of June, 2021.

Emily S. Thomas Notary Public
Emily S. Thomas
(Typed or printed name of Notary)

My commission expires: 1/26/2024

[1914502/1] N. C. Bar Assoc. From No. 3 © 1977
Printed by Agreement with the N.C. Bar Assoc.
#003

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Mary Alice Braswell Fagg (SEAL)
Mary Alice Braswell Fagg

Duane S. Fagg (SEAL)
Duane S. Fagg

NORTH CAROLINA, UNION COUNTY.

SEAL-STAMP

I, the undersigned, a Notary Public of the County and State aforesaid, certify that **MARY ALICE BRASWELL FAGG and spouse, DUANE S. FAGG,** Grantors, personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing instrument for the purpose stated therein and in the capacity indicated.

EMILY S. THOMAS NOTARY PUBLIC UNION COUNTY, NC

This 25th day of June, 2021.

Emily S. Thomas Notary Public
Emily S. Thomas
(Typed or printed name of Notary)

My commission expires: 1/26/2024

[1914502/1] N. C. Bar Assoc. From No. 3 © 1977
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#003

EXHIBIT "A"

That certain lot or parcel of land situated in Monroe Township, Union County, North Carolina and more particularly described as follows:

BEGINNING at a mag nail found in the centerline of the CSX 200' railroad Right of Way being the Northwestern corner of the property having grid coordinates of N451731.95 E 1554683.91 and being recorded in Plat Cabinet O File 74 of the Union County Registry. Thence with the railroad right of way the following six calls 1) S 75-44-30 E 250.00' to a point; 2) S 75-53-54 E 135.00' to a point; 3) A Curve with a Length of 270.04' a Radius of 4300.00 Chord length 270.00' and Chord Bearing S 77-41-51 E to a point; 4) A Curve with a Length of 240.09' a Radius of 2500.00 Chord length 240.00' and Chord Bearing S 82-14-52 E to a point; 5) A Curve with a Length of 275.10' a Radius of 3000.00 Chord length 275.00' and Chord Bearing S 87-37-34 E to a point; 6) A Curve with a Length of 245.32' a Radius of 5,900.00 Chord length 245.30' and Chord Bearing N 88-33-21 E to a point on the property of Guy Properties, LLC Deed Book 1498 Page 71 of the Union County Registry; Thence leaving the CSX railroad right of way and with the Guy Properties, LLC tract the following two calls 1) S 05-32-24 W 54.52 to an iron found; 2) S 05-32-24 W 191.26 to a Right of Way Monument found on the Right of Way of US Highway 74 State Highway project #8.1691802; Thence with the Right of Way of US Highway 74 the following four calls; 1) S 81-29-10 W 50.73 to a Right of Way Monument; 2) S 81-16-03 W 200.96 to an Iron Set; 3) North 08-56-15 W 11.00 to an Iron Set; 4) S 81-02-16 W 998.66 to a point on the Right of Way of US Highway 74 and the Metal Recycling Services, LLC Property Deed Book 4854 Page 450 of the Union County Registry; Thence with the Metal Recycling Services LLC Property the following five calls; 1) N 20-29-33 W 30.00' to an iron found; 2) N 05-04-47 W 270.09' to an iron found; 3) N 07-06-26 W 90.00' to an iron found; 4) N 21-01-07 W 124.42' to an iron found on the edge of the CSX Railroad Right of Way; 5) the Right of Way of N 21-01-07 W 122.49 to the POINT and Place of **BEGINNING** containing 11.29 acres and 491,989 sq. ft. as shown on a survey by Lawrence Associates and filed in Plat Cabinet O File 74 of the Union County Registry.

[1914502/1] N. C. Bar Assoc. From No. 3 © 1977
Printed by Agreement with the N.C. Bar Assoc.
#003

EXHIBIT 2

LETTER FROM DIRECTOR OF WATER RESOURCES REGARDING SEWER AND WATER AVAILABILITY

City of Monroe
Water Resources

monroenc.org • 704-282-4601 • PO Box 69, Monroe, NC 28111

April 20, 2022

Mr. Todd Gingerich, P.E.
Civil & Environmental Consultants, Inc.
3701 Arco Corporation Dr., Suite 400
Charlotte, NC 28273

RE: Metal Recycling Services Facility
150 S. Bivens Road, Monroe, NC

Dear Mr. Gingerich:

Based on the Concept Site Plan for the above referenced site, dated February 2022, provided via e-mail dated March 2nd, 2022, we are confirming that the City of Monroe currently has water and sewer capacity to serve the project, this based on our current sewer capacity, flow projections, and planned capital Improvements.

- All water and sewer design and installation is subject to City of Monroe Ordinances, Policies and Standards.
- The cost of all water and sewer improvements, engineering, easement acquisition, etc. will be at the developer's expense.
- It shall be the responsibility of the Developer's engineer to confirm the feasibility of water and sewer service to the proposed area.

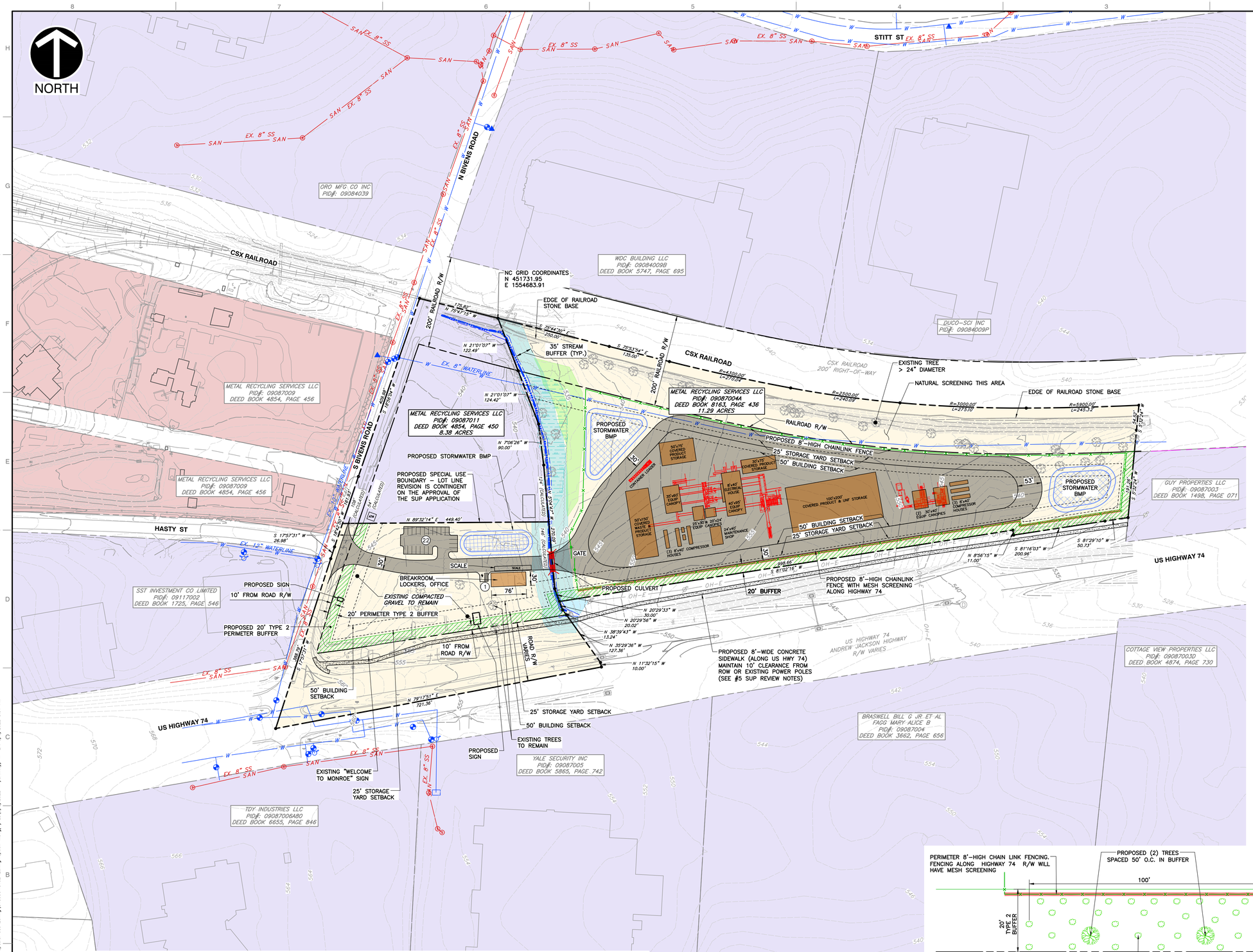
If you have any questions or need any additional information, please feel free to contact me at (704) 282-4646 or rriser@monroenc.org.

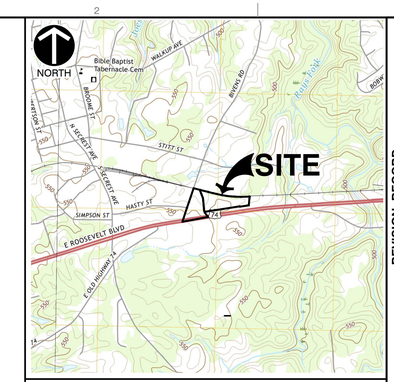
Respectfully,

Richard Riser P.E.
Water Resources Engineering Manager

EXHIBIT 3

SITE PLAN





REFERENCE:
U.S.G.S. 7.5 MIN. TOPOGRAPHIC MAP,
WINGATE QUADRANGLE, NC, DATED: 2019
MONROE QUADRANGLE, NC, DATED: 2019.

VICINITY MAP
SCALE: 1" = 2,000'

LEGEND

- EXISTING PROPERTY LINE
- EXISTING ADJOINING PROPERTY LINE
- EXISTING RIGHT-OF-WAY
- PROPERTY SETBACK LINE
- EXISTING INDEX (MAJOR) CONTOUR
- EXISTING INTERMEDIATE (MINOR) CONTOUR
- EXISTING FENCE LINE
- EXISTING EDGE OF PAVEMENT
- EXISTING STRUCTURE
- EXISTING STORM PIPE
- EXISTING OVERHEAD WIRE
- EXISTING SANITARY SEWER LINE
- EXISTING SANITARY SEWER MANHOLE
- EXISTING WATER MAIN
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- EXISTING RAILROAD
- EXISTING STREAM
- EXISTING STREAM TOP OF BANK
- EXISTING STREAM BUFFER
- EXISTING WETLAND
- EXISTING WETLAND BUFFER
- CITY OF MONROE ZONING – CD
- CITY OF MONROE ZONING – GI
- PROPOSED ZONING – GI-SU
- PROPOSED PAVEMENT
- PROPOSED BUILDING
- PROPOSED EQUIPMENT
- PROPOSED STORMWATER BMP
- PROPOSED CANOPY TREE
- PROPOSED SHRUBS
- PROPOSED TYPE 2 BUFFER – SEE TYPICAL SECTION
- 8'-HIGH PERIMETER CHAIN LINK FENCING
- 8'-HIGH CHAIN LINK FENCING WITH MESH SCREENING
- PROPOSED CONCRETE SIDEWALK

NOTES

TOTAL SITE ACREAGE: 19.70 ACRES

SPECIAL USE ACREAGE: 16.20 ACRES

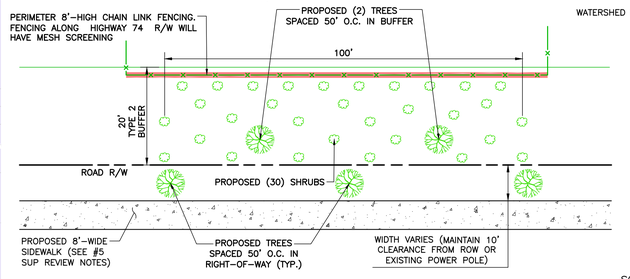
EXISTING IMPERVIOUS AREA*: 2.80 ACRES

PROPOSED IMPERVIOUS AREA*: 5.85 ACRES

EXCLUDING AREAS WITHIN RIGHT OF WAY

APPLICANT NAME: _____

WATERSHED DATA: _____



TYPE 2 BUFFER TYPICAL PLANTING PLAN
NOT TO SCALE

SCALE IN FEET
0 100 200

REFERENCE

1. EXISTING TOPOGRAPHY FOR PARCEL 09087004A WAS SURVEYED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. (CEC), DATE OF SURVEY APRIL 11, 2022.
2. EXISTING TOPOGRAPHY IN PARCEL #09087009 WAS PROVIDED IN PART AND PARCEL BY MCKIM & CREED:
   - BOUNDARY SURVEY OF CENTRAL CAROLINA SHREDDING INC FOR NUCOR, DATED JANUARY 22, 2008.
   - ALTA SURVEY FOR METAL RECYCLING SERVICES, LLC, DATED JUNE 16, 2021.
3. GIS DATA TAKEN FROM UNION COUNTY DOWNLOADABLE GIS DATA, ACCESSED APRIL 19, 2022.
4. WETLAND DELINEATION WAS PERFORMED BY CEC ON FEBRUARY 2, 2022 AND APPROVED BY USACE ON APRIL 11, 2022.
5. EXISTING UTILITY INFORMATION WAS PROVIDED BY CITY OF MONROE ON APRIL 20, 2022.

SUP REVIEW NOTES

1. THE SITE SHALL MEET STORMWATER MANAGEMENT REQUIREMENTS IN ACCORDANCE WITH CHAPTER 159 STORMWATER MANAGEMENT ORDINANCE OF THE MONROE CITY CODE.
2. WETLAND AND STREAM DELINEATION WAS PERFORMED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. (CEC) ON FEBRUARY 2, 2022 AND APPROVED BY USACE ON APRIL 11, 2022.
3. THE SITE SHALL MEET EROSION AND SEDIMENTATION CONTROL REQUIREMENTS IN ACCORDANCE WITH CHAPTER 158 EROSION AND SEDIMENTATION CONTROL OF THE MONROE CITY CODE.
4. THE SITE SHALL OBTAIN APPROVAL FOR A DRIVEWAY PERMIT FROM N.C. DEPARTMENT OF TRANSPORTATION TO ACCESS THE SITE AT BIVENS ROAD.
5. A VARIANCE MAY BE SOUGHT TO ELIMINATE THIS SIDEWALK DUE TO THE TOPOGRAPHY AND LACK OF CONNECTIONS TO OTHER SIDEWALKS.

REVISION RECORD

NO	DATE	DESCRIPTION

Civil & Environmental Consultants, Inc.
3701 Arco Corporate Drive · Suite 400 · Charlotte, NC 28273
Ph: 980.237.0373 · Fax: 980.237.0372
www.cecinc.com

METAL RECYCLING SERVICES LLC
SPECIAL USE PERMIT APPLICATION
150 S BIVENS ROAD
CHARLOTTE, NORTH CAROLINA

SITE PLAN - OPTION #1

DATE:	APR 2022	DRAWN BY:	PAB
DWG SCALE:	AS NOTED	CHECKED BY:	TMG
PROJECT NO:			318-399
APPROVED BY:			TMG

DRAWING NO.: 1

EXHIBIT 4

SAMPLE BUILDING AND EQUIPMENT IMAGES

HAPPY HOLIDAYS
SHIPYARD, L.P.
SAFER BETTER

CEC
Civil & Environmental
Consultants, Inc.
Metal Recycling
Services

CEC
Civil & Environmental
Consultants, Inc.
Metal Recycling
Services

Civil & Environmental Consultants, Inc.

Metal Recycling Services

Civil & Environmental Consultants, Inc.

Metal Recycling Services

EXHIBIT 5

APPRAISER’S REPORT

TABLE 7.1. - TABLE OF PERMISSIBLE USES

"P" = Permitted, "S" = Special Use Permit Required, "X" = Prohibited

	Traditional Districts											Mixed-Use Districts						
Use Type	**RR**	**RLD**	**RMD**	**RHD**	**OM**	**NB**	**GB**	**GI**	**HI**	**PUD**	**PCD**	**DC-MX**	**DG-MX**	**CC-MX1**	**CC-MX2**	**RC-MX**	**MD-MX**	**REFERENCE**
Industrial Uses																		
Light Industrial & Manufacturing	X	X	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X	7.2.8.A
Warehouse Distribution/Logistics	X	X	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X	7.2.8.B
Wholesale Trade	X	X	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X	7.2.8.C
Heavy Industrial	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	7.2.8.D
Recycling and Waste Related Services	X	X	X	X	X	X	X	S	P	X	X	X	X	X	X	X	X	7.2.8.E
Laundry or Dry Cleaning Plant	X	X	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X	7.2.8.F
Mini-Warehouse/Self Storage	X	X	X	X	X	S	P	P	P	X	P	X	X	X	X	X	X	7.2.8.G
Warehouse & Storage	X	X	X	X	X	X	S	P	P	X	P	X	X	X	X	X	X	7.2.8.H
Outdoor Storage	X	X	X	X	X	X	S	P	P	X	X	X	X	X	X	X	X	7.2.8.I
Mining	S	S	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	7.2.8.J
Land Debris Storage	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	7.2.8.K

157.7.2.8. INDUSTRIAL USES

E. Recycling and Waste Related Services

1. Characteristics. Any facility which deals in the recycling, disposal, or elimination of used materials or waste.
2. Accessory Uses may include (but are not limited to) associated office, outdoor storage associated with primary use, parking.
3. Examples. Landfill, recyclable material storage, recycling facility, solid or liquid waste transfer or composting.
4. Use Standards.
    a. All buildings shall be setback a minimum of fifty (50) from property line.
    b. Outdoor storage yards shall not be located closer than twenty-five (25) feet to any public street or property line.
    c. Outdoor storage yards shall comply with the standards of Section 8.3.9.D.
    d. Outdoor storage yards are not intended to include junkyards or scrap or salvage operations.

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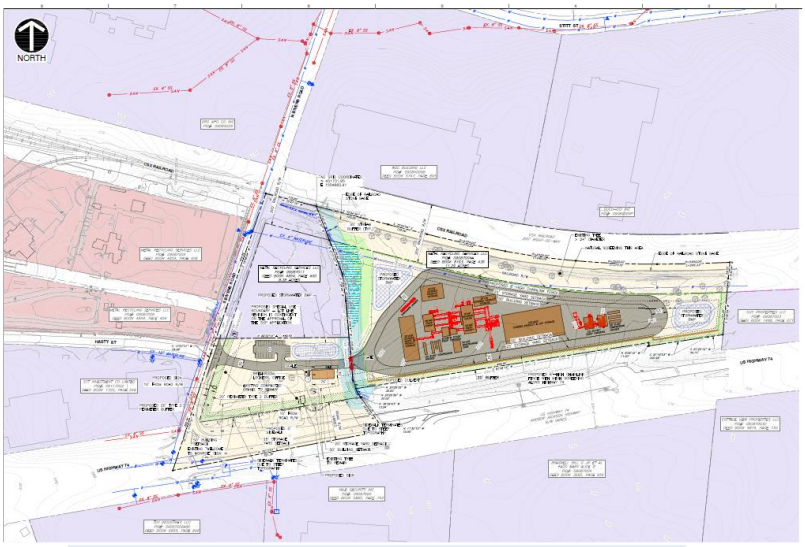
morrisonappraisal@carolina.rr.com

Morrison Appraisal, Inc.
Providing Exceptional Value since 1985

APPRAISAL REPORT
REAL ESTATE APPRAISAL

Of
Monroe Recycling Service Expansion
3001 Highway 74, Monroe, NC



As of
June 30, 2022

Prepared For
John Floyd
Moore & Van Allen, PLLC
100 North Tryon Street, Suite 4700
Charlotte, NC, 28202

Prepared by
MORRISON APPRAISAL, INC
Andrew Morrison, MAI, CCIM,
North Carolina Certified General-A7253

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June 30, 2022

John Floyd
Moore & Van Allen, PLLC
100 North Tryon Street, Suite 4700
Charlotte, NC 28202

Re: Appraisal Report, Real Estate Appraisal
3001 Highway 74, Monroe,
Union County, NC, 28112

To Whom it May Concern:

As requested, I have studied the site located at 3001 Highway 74 in Monroe, NC. It is just outside the city limits in the Monroe ETJ. The subject is 19.67 of industrial land on the corner of Highway 74 and Bivens Rd owned by Metal Recycling Services LLC, which operates a facility on the adjacent parcel. The owner has plans to expand the operations to the subject property. The City of Monroe Board of Adjustments requires a special use permit under the GI- General Industrial District. Sales of properties adjacent or exposed to metal recycling facilities businesses were reviewed as to their impact on surrounding properties.

Based on the information gathered, it is my opinion that the use will be in harmony with the neighborhood and should not adversely affect surrounding properties.

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Subject Photographs

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morrisonappraisal@carolina.rr.com

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IMPORTANT FACTS AND CONCLUSIONS

Property Location	3001 Highway 74, Monroe, NC
Owner	Metal Recycling Services LLC
Study Requested By	John Floyd of Moore & Van Allen, PLLC
Date of Study	June 30, 2022
Property Rights	Fee simple
Zoning	GI- General Industrial District
Map reference	09-087-011 & 09-087-004A
Legal Description	Deed Book 4854 Page 450
	Deed Book 8163 Page 436
Study Land area	19.67 acres
Current Use	Vacant Industrial Land
Proposed Use	Metal recycling facility expansion
Conclusion	The use will be in harmony with the neighborhood and should not adversely affect surrounding properties.

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INTRODUCTION

The subject is 19.67 acres of industrial that is located at 3001 Highway 74 in the Monroe ETJ. It can be identified as part of tax parcels 09-087-011 and 09-087-004A. Metal Recycling Services LLC owns the property and plans to expand metal recycling operations from the adjacent site. The City of Monroe Board of Adjustments requires a special use permit for this use in the GI zoning district.

PURPOSE OF THE LAND UTILIZATION STUDY

The purpose of this study is to meet the requirements of the City of Monroe for special use in the GI zoning. The report will address: "The use will not substantially injure the value of the adjoining property" and whether it is in harmony with the neighborhood.

EFFECTIVE DATE OF THE STUDY

The effective date of this study is June 30, 2022, which is the date of the inspection. The date of the report is June 30, 2022.

SCOPE OF THE APPRAISAL

The scope of work of this assignment is based on the intended use, requirements from the client, complexity of assignment and property, the sophistication of the market, and other pertinent information.

INSPECTION
The scope of the appraisal includes an inspection of the subject property and observation of the surrounding area. The existing facility was toured with facility operators and John Floyd. An overview of the metal recycling process was explained and observed.

The proposed expansion area was walked with the site plan to visualize the facility layout.

DATA RESEARCH AND COLLECTION
The scope of the appraisal also includes gathering local and regional information on the subject property. Facility operators provided information on existing operations and the proposed expansion operations. Databases are used to identify other properties that have metal recycling facilities and adjacent properties that have sold.

DATA ANALYSIS
The study researches and analyzes the effect of metal recycling facilities on surrounding properties. Sales or properties adjacent to properties that have metal recycling facilities are compared to properties without exposure. The analysis will help determine the impact of the planned project on the surrounding area.

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HISTORY OF PROPERTY

Metal Recycling Services LLC has owned and operated on parcels 09-087-009 and 09-067-011 since 2008. However, metal recycling has operated on the site since 2004.

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SITE

The expansion site is two contiguous parcels totaling 19.67 acres on the corner of Bivens Rd and Highway 74. The Monroe city limits extend to Bivens Rd. The portion east of the street are in the Monroe ETJ.

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SITE	
Location:	Corner of Highway 74 and S. Bivens Rd
Current Use of the Property:	Industrial Land
Site Size:	Total: 19.67 acres
Shape:	Irregular
Frontage/Access:	The subject property has good access with frontage on Highway 74.
Visibility:	Average
Topography:	Fairly Level
Utilities:	Electricity: City Sewer: City Water: City Adequacy: The subject's utilities are typical and adequate for the market area.
Flood Zone:	The subject is located in an area mapped by the Federal Emergency Management Agency (FEMA). The site is not located in a flood zone. FEMA Map Number: 3710545500J FEMA Map Date: October 16, 2008
Environmental Issues:	There are no known adverse environmental conditions on the subject site. Please reference Limiting Conditions and Assumptions.
Encumbrance / Easements:	There is both highway and railroad ROW. There no other known adverse encumbrances or easements. Please reference Limiting Conditions and Assumptions.
Site Comments:	The site has average and typical utility.

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morrisonappraisal@carolina.rr.com

ZONING

The property is currently zoned GI- General Industrial by the City of Monroe. This district requires a special use permit for Recycling and Waste Related Services.

TABLE 7.1. - TABLE OF PERMISSIBLE USES																		
"P" = Permitted, "S" = Special Use Permit Required, "X" = Prohibited																		
	Traditional Districts											Mixed-Use Districts						
Use Type	RR	RLD	RMD	RHD	OM	NB	GB	GI	HI	PUD	PCD	DC-MX	DG-MX	CC-MX1	CC-MX2	RC-MX	MD-MX	REFERENCE
Industrial Uses																		
Light Industrial & Manufacturing	X	X	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X	7.2.8.A
Warehouse Distribution/Logistics	X	X	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X	7.2.8.B
Wholesale Trade	X	X	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X	7.2.8.C
Heavy Industrial	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	7.2.8.D
Recycling and Waste Related Services	X	X	X	X	X	X	X	S	P	X	X	X	X	X	X	X	X	7.2.8.E
Laundry or Dry Cleaning Plant	X	X	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X	7.2.8.F

The city adopted a new Unified Development Ordinance (UDO) in April 2022. The subject and adjacent properties have been and remain designated for industrial use.

613 Euclid Street · Monroe, NC
704-283-2286 office · 704-283-8989 fax
morrisonappraisal@carolina.rr.com

4.4.1. GI - GENERAL INDUSTRIAL

A. **Intent.** The General Industrial (GI) district is intended to permit light industrial and manufacturing establishments of varying scales and may permit compatible uses as permitted in Section 7: Permissible Uses and Standards. Limited commercial and office/medical uses necessary for the vitality of an industrial district may also commonly be found in the industrial general district.

B. **Standards**. The GI district standards, which are intended to allow for varying intensities of light industrial uses and compatible uses, are defined in Table 4.4.1. below. Live-Work is the only permitted residential use within the GI district.

C. **Density.** Maximum density is capped at two (2) dwelling units per acre for Live-Work residential uses only. An accessory residence for a night watchman may be permitted where appropriate.

D. **Design Standards**. Industrial uses within the industrial zoning districts must comply with the design standards provided for in Section 8.7: Design Standards, of this UDO.

Table 4.4.1. GI District Development Standards Table

GI District Development Standards Table		
Building Height		Maximum 5 Stories
Density [1]		Maximum 2 Units / Acre
Setbacks [2]	Front (Street)	25'
	Side	10' 50' (if abutting, RLD, RMD and / or OM districts)

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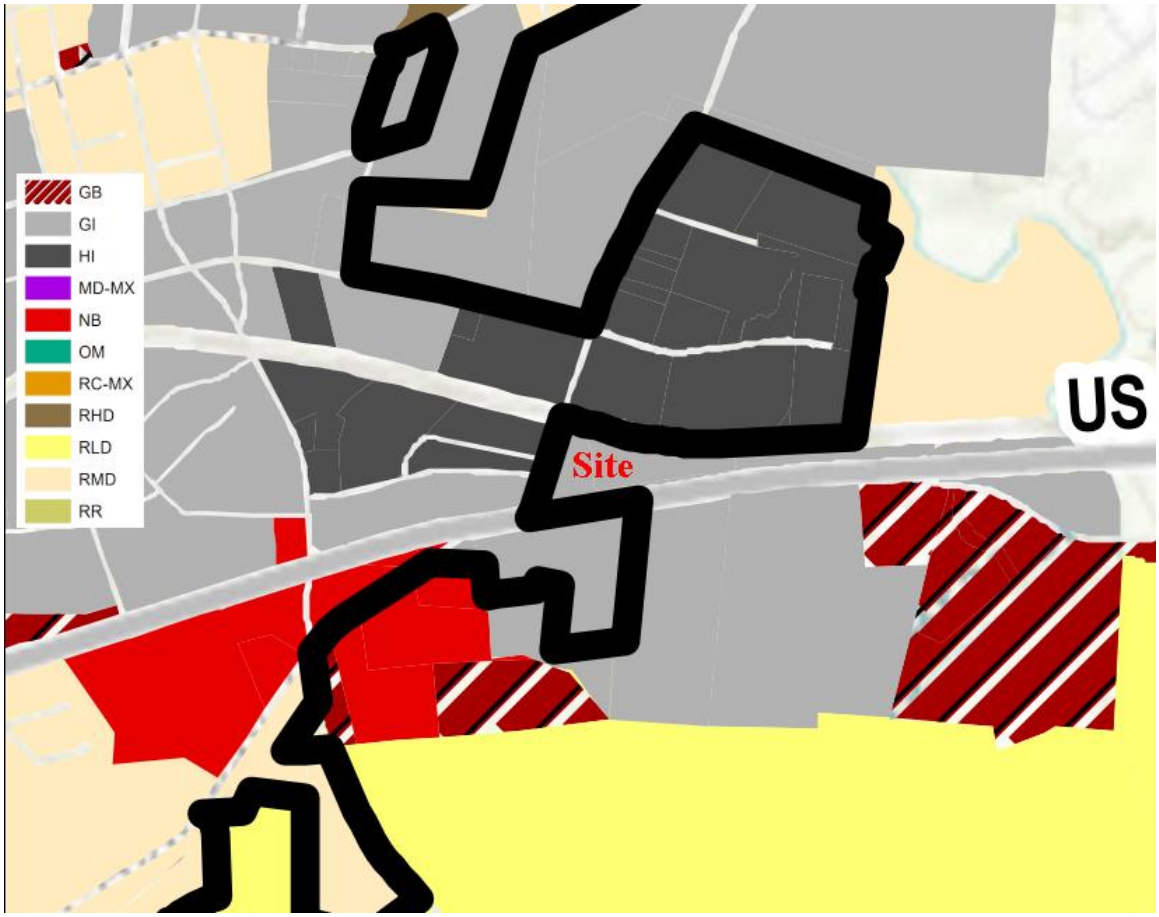
ZONING MAP



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PROPOSED EXPANSION

The owner currently operates a metal recycling facility on the adjacent parcel across Bivens Rd. It accepts non-ferrous scrap (aluminum, copper, brass), ferrous scrap (iron, steel, autos, metal that sticks to a magnet), and E-scrap (circuit boards, laptops, hard drives).

The existing facility includes an office building, automobile shredder, baler, shears, mobile shearing, torch processing, and an auto crusher on Parcel 09-087-009. There is fleet storage and a customer ATM on Parcel 09-087-011.

Currently the facility collects 92% of metal from scrap. The remaining waste product (fluff) is hauled off site. New technology allows for the fluff to be further processed, reducing fluff waste from 8% to 1%. The new process will be located on the subject area.

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According to the facility operators, the new process is not as intensive with less extensive noise as the shredder on the existing facility.

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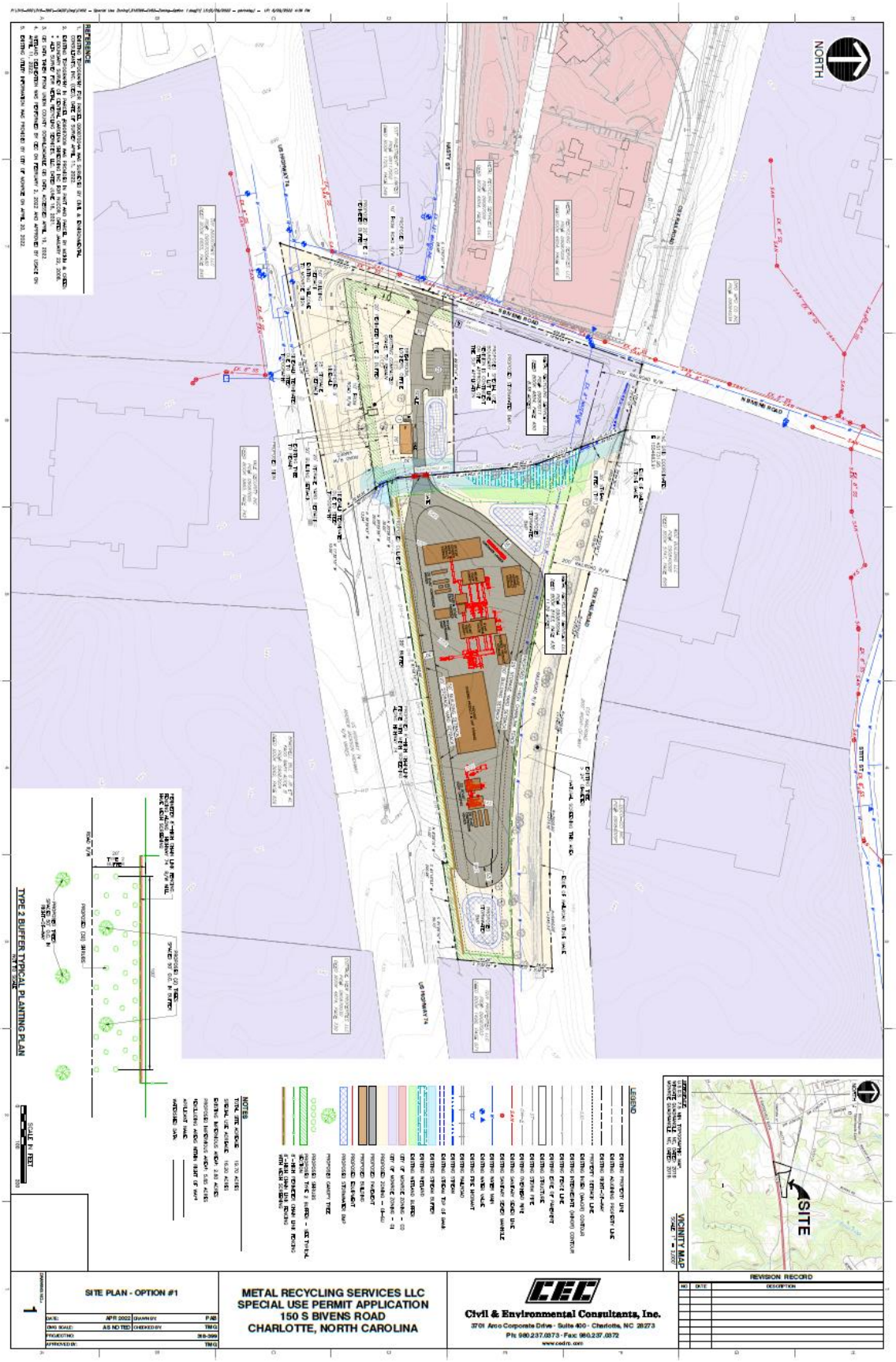

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SURROUNDING PROPERTIES

The subject is located in eastern Monroe on Highway 74. This area is highly industrial and developed with manufacturing and processing businesses that has been in existence for many years. There are large national and international businesses such as Tyson Foods and Assa Abloy. The existing facility has been operating around these businesses since 2004. This is one of the oldest industrial areas in the county. The City of Monroe has plans to keep this area industrial based on the new UDO. Vacant land around the subject is also zoned industrial.

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THE EFFECT ON ADJOINING PROPERTY

In order to determine if the proposed use has a negative effect on neighboring properties, sales next to other metal recycling facilities in the area are analyzed. The subject is in a highly industrial area and similar areas are used.

Areas Examined

1) Metal Recycling Services – 5401 S. York Highway Gastonia, NC

This is the subject's Gastonia location. 145 Blue Devil Dr, is behind the facility. It is a 95700 SF industrial building constructed in 1981. Randall Scott Properties, LLC sold the industrial building to Carolina Partners Management, LLC on 6/5/2015 for $930,000, or approximately $9.72 per square foot.

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145 BLUE DEVIL DRIVE | GASTONIA, NC

Similar buildings outside Charlotte that are not exposed to metal recycling are compared to this sale. The price per square foot range $5.92 to $12.21 with an average of $9.23. 145 Blue Devil Dr sold near the average price and there appears to be no negative impact being located next to the recycling facility.

Address	City	Sale Date	Sale Price	Sqft	Acres	Year Built	Spsf
145 Blue Devil Dr	Statesville	6/5/2015	$930,000	95700	4.19	1981	$9.72
1131 9th Ave SE	Hickory	9/2/2016	$625,000	105600	4.61	1970	$5.92
771 W Highway 150 E	Lincolnton	5/11/2016	$1,500,000	122834	13	1974	$12.21
1051 York Rd	Kings Mountain	9/16/2015	$1,175,000	99230	12	1983	$11.84
101 Plum St	Belmont	5/19/2015	$1,050,000	123380	6.88	1988	$8.51
1409 Deborah Herman Rd SW	Conover	9/18/2014	$862,500	75000	8.5	1980	$11.50
890 F Ave SE	Hickory	9/8/2014	$410,000	84100	11.22	1979	$4.88
2101 Morganton Blvd	Lenoir	6/24/2014	$1,077,500	116403	8.4	1980	$9.26
						Average Spsf	**$9.23**

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2) United Scrap – 9925 Brookford St, Charlotte, NC

United Scrap is a metal buying and recycling company with 6 facilities nationally. The Charlotte facility handles both ferrous and non-ferrous materials. The building is located on the corner of Brookford and Nevada St, surrounded by industrial uses.

Beacon Partners acquired 3135 Nevada Boulevard on June 18, 2019 for $4,157,000. The property is across the street from United Scrap.

The 75,000 square foot building was constructed in 1970 and was fully leased at the time of sale with a reported 6.2% cap rate, which was typical in 2019.

The seller and listing broker reported there were no conditions that affected the sale price. Beacon is a large commercial real estate firm that acquires, develops, and manages properties in the Charlotte market. They are a sophisticated buyer that performs due diligence and takes neighboring uses into consideration.

The building is leased to Builders First Source, a publicly traded company ,NYSE (BLDR), that has approximately 565 distribution and manufacturing locations in 42 states.

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Similar buildings in the market are compared and 3135 Nevada St sold near the average price per square. There appears to be no negative impact from the neighboring recycling use.

Address	City	Sale Date	Sale Price	Sqft	Year Built	$psf
3135 Nevada Blvd	Charlotte	6/18/2019	$4,157,000	73100	1970	$56.87
130 Performance Dr	Belmont	7/5/2019	$2,400,000	54537	1979	$44.01
201 Crompton St	Charlotte	1/11/2019	$5,048,000	85665	1973	$58.93
500 Gulf Dr	Charlotte	8/30/2018	$3,000,000	78830	1972	$38.06
2027 Gateway Blvd	Charlotte	6/29/2018	$5,446,000	69200	1980	$78.70
					Average $psf	**$55.31**

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3) CMC Recycling – 2061 Nazareth Church Rd, Spartanburg, SC

Commercial Metals Company (CMC) is Fortune 500 company with recycling facilities throughout southern and eastern United States. Its Spartanburg location has been in operation since 1997. It accepts both ferrous and nonferrous materials and has similar operations as the subject. It is located in a highly industrial area.

In December 2019, STAG Industrial Holdings purchased a newly constructed 273,000 sqft building for $19,000,000 and the adjacent industrial 29.26-acre lot for $2,721,180 in an industrial development, Spartan Ridge. These properties are across the street from CMC.

STAG Industrial, Inc. (NYSE: STAG) is a real estate investment trust focused on the acquisition and operation of industrial properties. It currently has 551 buildings in 40 states. Each acquisition undergoes extensive underwriting including an analysis of surrounding properties. This site would not be considered if the neighboring recycling facility had a negative effect on the investment.

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Rooker and CBRE manage the leasing of the properties in Spartan Ridge. Building 1 has leased and Building 2 has one space available. The leasing representative was contacted about the impact of CMC. He stated it has had no effect on leasing or marketing and to his knowledge never received a question about it from a tenant prospect.

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FINAL CONCLUSION

The subject property is located in Monroe ETJ in an area made up of industrial uses. The client plans to expand metal recycling operations to the subject site.

After examining other metal recycling facility locations, it is the appraiser's opinion that using the site for the proposed use will not substantially injure the value of the abutting or adjoining property and will be in harmony with the neighborhood.

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Andrew (Andy) Morrison, MAI, CCIM
613 Euclid Street
Monroe, NC 28110

NC Certified General #A7253
Member of the Appraisal Institute #497226
MAI Designated
CCIM Designated Member

EDUCATION

BS Degree – Appalachian State University
Political Science- Pre-Profession Legal Studies
Business Minor- December 2004

APPRAISAL COURSES ATTENDED AND PASSED WITH EXAM

R1 – Introduction to Real Estate Appraisal
Mingle Institute, Charlotte, NC- February 2005

R2 – Valuation Principles and Procedures
Mingle Institute, Charlotte, NC- April 2005

R3- Applied Residential Property Valuation
Mingle Institute, Charlotte, NC- May 2005

USPAP- Mingle Institute, Charlotte, NC- June 2005

G1- Introduction to Income Property Appraisal
Mingle Institute, Charlotte, NC- September 2005

G2- Advanced Income Capitalization Procedures
Mingle Institute, Charlotte, NC- October 2005

G3- Applied Income Property Valuation
Mingle Institute, Charlotte, NC- November 2005

Basic Income Capitalization
The Appraisal Institute, Greensboro, NC- May 2007

USPAP Update- Mingle Institute, Charlotte, NC- May 2007

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Business Practices and Ethics-
The Appraisal Institute, Greensboro, NC- December 2007, Columbia, SC- May 2012

North Carolina General Certified Appraiser State Examination-
Passed December 2007

Report Writing and Valuation Analysis-
The Appraisal Institute, Greensboro, NC- July 2008

Advanced Income Capitalization-
The Appraisal Institute, Greensboro, NC- June 2009

USPAP Update- Mingle Institute, Charlotte, NC- July 2009

Market Analysis and Highest and Best Use-
The Appraisal Institute, Greensboro, NC- July 2009

Advanced Sales Comparison and Cost Approaches
The Appraisal Institute, Greensboro, NC- June 2010

Advanced Applications
The Appraisal Institute, Greensboro, NC- February 2011

Appraisal Institute Comprehensive Examination for the MAI Designation
Passed November 2011

USPAP Update- Erick Little & Company, Charlotte, NC- April 2012, April 2014

SEMINARS

Residential Development- Valuation Trends, Issues, and Challenges
Online- October 2009

Using Spreadsheet Programs in Real Estate Appraisals
The Appraisal Institute, Greensboro, NC- February 2010

The Appraiser and the Site To Do Business: Location, Timing and Demographics
Online-August 2010

Understanding and Using Investor Surveys Effectively
Online- January 2011

Perspectives from Commercial Review Appraisers
Online- July 2011

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The Green Guide to Appraising
McKissock- May 2013

Deriving and Supporting Adjustments
McKissock- May 2013

Evaluation Appraisal Seminar
The NC Chapter of the Appraisal Institute, Oct 2014

Rural Land Valuation
The Appraisal Institute- January 2017

Supervisor/Trainee Course
CPCC- Harris Campus- April 2017

CCIM- CI101: Financial Analysis for Commercial Real Estate
Charlotte, NC- February 2018

CCIM- CI104: Investment Analysis for Commercial Real Estate
Charlotte, NC - March 2019

CCIM- Commercial Real Estate Negotiations
Charlotte, NC- May 2019

CCIM- User Decision Analysis For Commercial Real Estate
Charlotte, NC – October 2019

CCIM Comprehensive Examination for the CCIM Designation
Passed August 2020

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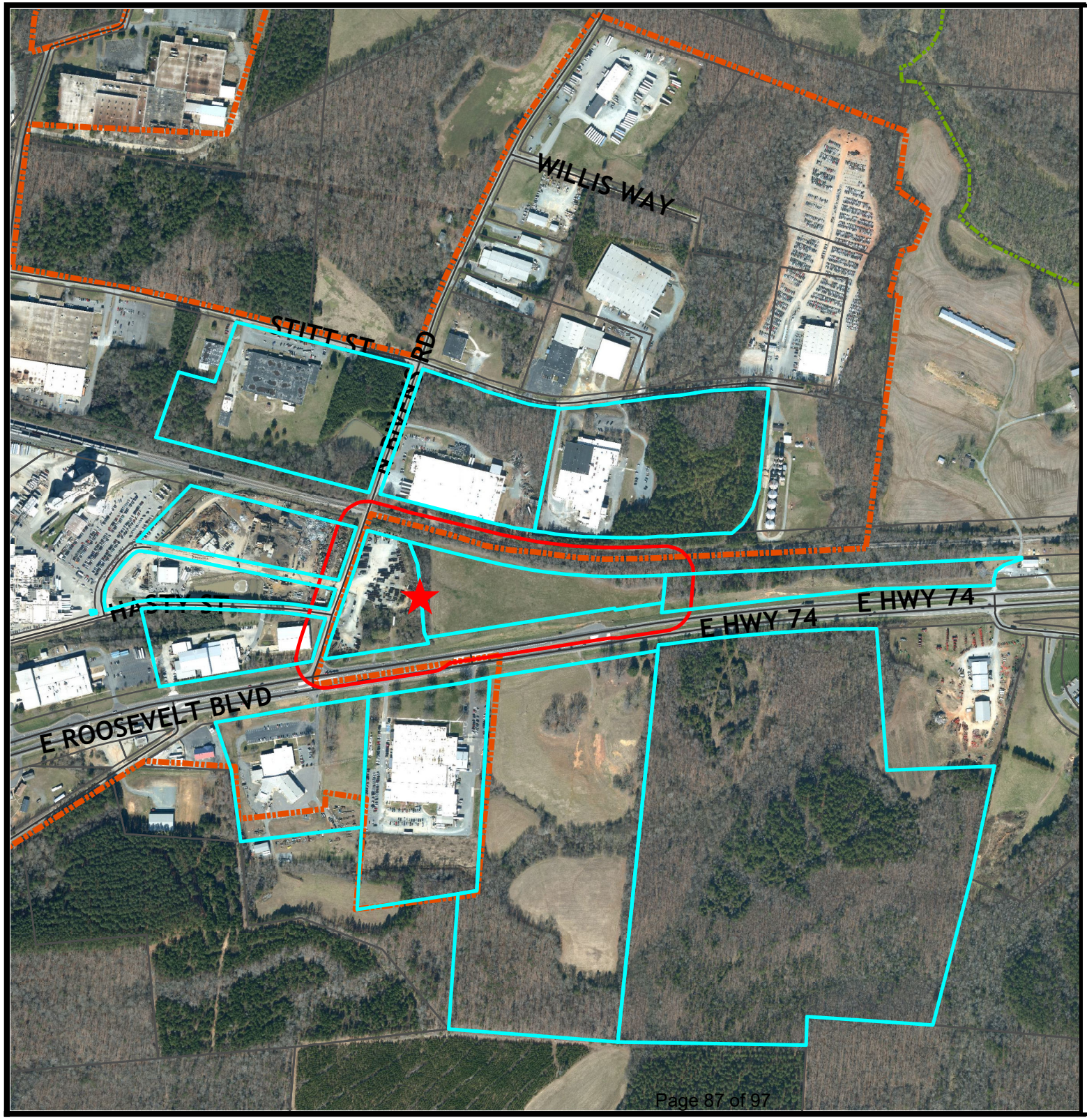
ACCTNO	PIN	PROPERTYST	OWNERNAME1	OWNERNAME2	OWNERADDRE	OWNERCITY	OWNERSTATE	OWNERZIP
09087003	09087003	3141 E HWY 74	GUY PROPERTIES LLC		4401 EAST INDEPENDENCE BL STE 204	CHARLOTTE	NC	28205
09087005	09087005	3000 E ROOSEVELT BLVD	YALE SECURITY INC		ATTN JEFFREY A MERESCHUK 110 SARGENT DR	NEW HAVEN	CT	06511
09087009	09087009	150 S BIVENS RD	METAL RECYCLING SERVICES LLC		334 BEECHWOOD RD STE 401	FT MITCHELL	KY	41017
09087003D	09087003D	0 HWY 74	COTTAGE VIEW PROPERTIES LLC		8021 KITRIDGE BAY LN	TEGA CAY	SC	29708
09117002	09117002	2031 E ROOSEVELT BLVD	PARTNERSHIP	S S T INVESTMENT CO LIMITED	1435 WOODLAND RD	RYDAL	PA	19046
09087004	09087004	3030 E HWY 74	BRASWELL BILL G G JR ET AL		C/O BILL G BRASWELL JR PO BOX 567	WINGATE	NC	28174
09084009P	09084009P	6004 STITT ST	DUCO-SCI INC		155 REBECCA ST	SAXONBURG	PA	16056
09084009B	09084009B	100 N BIVENS ST	WDC BUILDING LLC		100 N BIVENS RD	MONROE	NC	281108145
09084039	09084039	5000 STITT ST	ORO MFG CO INC		%R W ENGEL 5000 STITT ST	MONROE	NC	28110
09087006A80	09087006A80	2600 E ROOSEVELT BLVD	TDY INDUSTRIES LLC		1000 SIX PPG PL	PITTSBURGH	PA	15222



City of Monroe
Where Heartland Meets High Tech

APO Map

3001 East Highway 74

Legend

- Centerlines
- Parcels
- City Limits
- ETJ
- Notified Properties
- 150 Foot Buffer
- Subject Property

Owner:
Metal Recycling Service, LLC

Acres: 19.7

N
W E
S

0 325 650 1,300
Feet

STAFF REPORT
PLSUP-2023-00002

TO: Board of Adjustment Members

DATE: October 10, 2022

FROM: Doug Britt, Senior Planner

PREPARED BY: Megan Brightharp, Planner

SUBJECT: Request to establish a metal recycling center within the GI, General Industrial District at 3001 East highway 74.

SUMMARY STATEMENT

The Board of Adjustment is requested to consider this request by Brian Lappin of the Metal Recycling Services, LLC in order to establish a metal recycling center within the GI, General Industrial District at 3001 East Highway 74.

SITE DATA

Type of Action:	Special Use Permit
Date of Petition:	June 30, 2022
Name of Petitioner:	Brian Lappin
Location:	3001 East Highway 74
Tax ID #:	09-087-004A, 09-087-011
Lot Size:	19.7 Acres
Zoning Classification:	GI (General Industrial)

PROPOSED FINDINGS

Staff offers the following Proposed Findings:

1. The property at 3001 East highway 74 is owned by Metal Recycling Services, LLC and is zoned GI (General Industrial). (Exhibit 1, 2).

2. A Special Use Permit Application was submitted on June 30, 2022 requesting to establish a metal recycling center in the GI (General Industrial) District. (Exhibit 3)

3. According to Section 157.7.1 of the City of Monroe Unified Development Ordinance titled "Tables of Permissible Uses (Traditional and Mixed-Use)", Recycling and Waste Related Services are only allowed in the GI Zoning District with the issuance of a Special Use Permit from the Board of Adjustment. (Exhibit 4)

4. According to Section 157.7.2.8.E of the City of Monroe Unified Development Ordinance titled "Recycling and Waste Related Services", the use is described as "any facility which deals in the recycling, disposal, or elimination of used materials or waste", with "recycling facility" listed as an example. (Exhibit 5)

5. A Standard 5 Appraisal Impact Study was completed by Morrison Appraisal, Inc. It is the opinion of Morrison Appraisal, Inc. that a metal recycling center will not adversely affect the value of the adjoining properties. (Exhibit 6)

6. All adjoining property owners have been notified of the Special Use Permit application. (Exhibit 7&8).

CONCLUSIONS

Staff is bringing this request before you tonight for your consideration.

Attachment(s):
Exhibit 1: Ortho Map
Exhibit 2: Zoning Map
Exhibit 3: Application
Exhibit 4: UDO Section 157.7.1
Exhibit 5: UDO Section 157.7.2.8.E
Exhibit 6: Standard Impact Analysis
Exhibit 7: APO List
Exhibit 8: APO Map

Prepared by: MB 9/12/2022

SPECIAL USE PERMIT WORKSHEET

TO ESTABLISH A METAL RECYCLING CENTER WITHIN THE GI, GENERAL INDUSTRIAL DISTRICT AT 3001 EAST HIGHWAY 74 (PARCEL # 09-087-004A, 09-087-011)

Before the Board of Adjustment makes a decision concerning the proposed Special Use Permit, they shall consider the following:

I. Completeness of Application:

Staff finds the application to be complete and the jurisdiction proper.

II. *Special Use General Standards:*

A. The use will not materially endanger the public health or safety if located, designed, and proposed to be operated according to plan.

Petitioner's Response: No, the use will not endanger public health or safety. The proposed use is an expansion of the existing metal recycling facility located on Bivens Road. The proposed expansion will take what is currently treated as waste from the existing facility and run it through an additional process that will pull out additional metals for recycling. As a result, the project will be constructed to meet and operate in accordance with all applicable health and safety requirements, will be constructed with all necessary fire suppression systems, and will have exterior fencing to prevent unauthorized personnel from entering the facility.

[ ] Motion standard is met; or
[ ] Motion standard is NOT met based on the following findings of fact:

_____

_____

B. The use or development complies with all regulations and standards of the City of Monroe Zoning Ordinance, as well as any other state or local rule or regulation governing the development of land.

Petitioner's Response: Yes, the development is in compliance with all requirements of the Monroe Zoning Ordinance and other applicable law. The property is currently zoned General Industrial, and recycling services are permitted in General Industrial areas with the granting of a Special

Use Permit. The application has retained engineers, civil and environmental specialists, and other consultants to assist with the design and development process and to ensure that all legal requirements are properly met.

[ ] Motion standard is met; or
[ ] Motion standard is NOT met based on the following findings of fact:

_____

_____

C. *The use or development will not adversely impact surrounding property and will not substantially injure the value of adjoining property.*

Petitioner's Response: No, as detailed in the enclosed impact study, the proposed development will not have any negative impacts on the value of neighboring property. The proposed development also will not create any significant noise, fumes, or light or otherwise an adversely impact neighboring property, most of which currently being utilized for similar industrial purposes, including an existing metal recycling center.

[ ] Motion standard is met; or
[ ] Motion standard is NOT met based on the following findings of fact:

_____

_____

D. *The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Monroe Land Development Plan.*

Petitioner's Response: Yes, the proposed development will be in harmony with the area and in conformity with the Land Development Plan. All of the neighboring property is zoned G-I or G-B, and similar industrial uses, including an existing metal recycling center and chick processing plant, are located in the immediate vicinity of the site. The site is located in one of the areas designated in the Land Use Plan as "Manufacturing, Logistics, and Aerospace", and industrial uses are appropriate in those areas.

[ ] Motion standard is met; or
[ ] Motion standard is NOT met based on the following findings of fact:

_____

_____

III. *Permit Action*

A. **Motion** to GRANT the special use permit. (*Board of Adjustment may add conditions as deemed necessary*).

OR;

B. **Motion** to DENY the special use permit based on the finding that general standard(s) _____above is/are not met.

feed lot, lumberyard, primary metal manufacturing, towing yard for vehicles, pulp mill, rubber manufacturing, paper manufacturing or production.

4. Use Standards.
    a. Buffers and protective yards must be provided.
    b. All buildings shall be setback a minimum of fifty (50) feet from property line.
    c. Outdoor storage yards shall comply with the standards of Section 8.3.9.D. Outdoor storage yards are not intended to include junkyards or scrap or salvage operations.
    d. Building facades that are oriented toward an arterial or collector street shall provide architectural details to eliminate large blank wall areas.

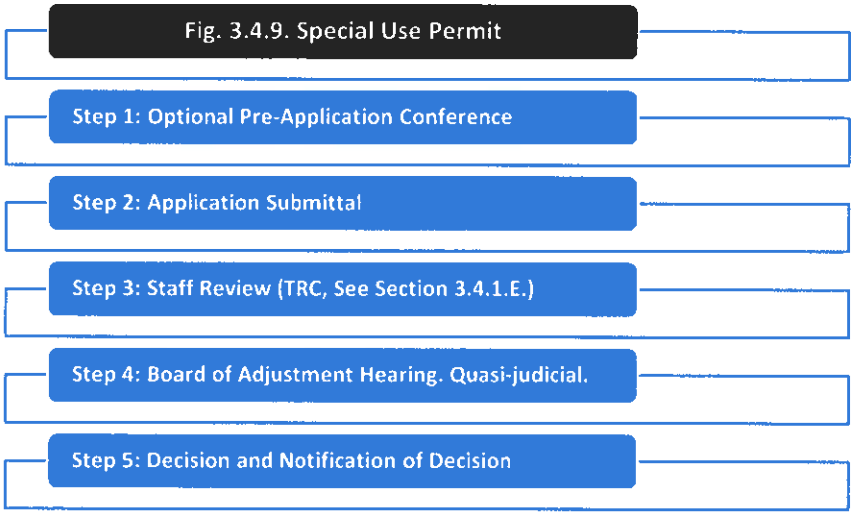
E. **Recycling and Waste Related Services**

1. Characteristics. Any facility which deals in the recycling, disposal, or elimination of used materials or waste.
2. Accessory Uses may include (but are not limited to) associated office, outdoor storage associated with primary use, parking.
3. Examples. Landfill, recyclable material storage, recycling facility, solid or liquid waste transfer or composting.
4. Use Standards.
    a. All buildings shall be setback a minimum of fifty (50) from property line.
    b. Outdoor storage yards shall not be located closer than twenty-five (25) feet to any public street or property line.
    c. Outdoor storage yards shall comply with the standards of Section 8.3.9.D.
    d. Outdoor storage yards are not intended to include junkyards or scrap or salvage operations.

F. **Laundry or Dry Cleaning Plant**

1. Characteristics. Larger, industrial scale laundry cleaning establishment for the wholesale cleaning and washing of laundry to wholesale customers. A laundry or

3.4.9. SPECIAL USE PERMITS



A. **Purpose**. The purpose of special use permits is to allow for uses that may be appropriate in zoning district with additional considerations due to the nature, extent and effects of the use.

B. **Application**. Special use permits shall be submitted to the BOA by filing the application with the Planning and Development Department. The application shall be reviewed by the TRC. If the application submitted to the TRC does not conform to all applicable regulations, the applicant shall resubmit the plans to the TRC for redistribution and review.

C. **Review Process.**

1. The application shall be reviewed by the TRC for consistency with the regulations of this UDO and any other relevant City ordinances and adopted plans. A report shall be provided to the BOA to use in their review. The report shall state the special use permit's compliance with the UDO, as well as any staff recommendations for additional requirements to be imposed by the BOA.
2. The BOA shall review the special use permit and hold an evidentiary hearing.

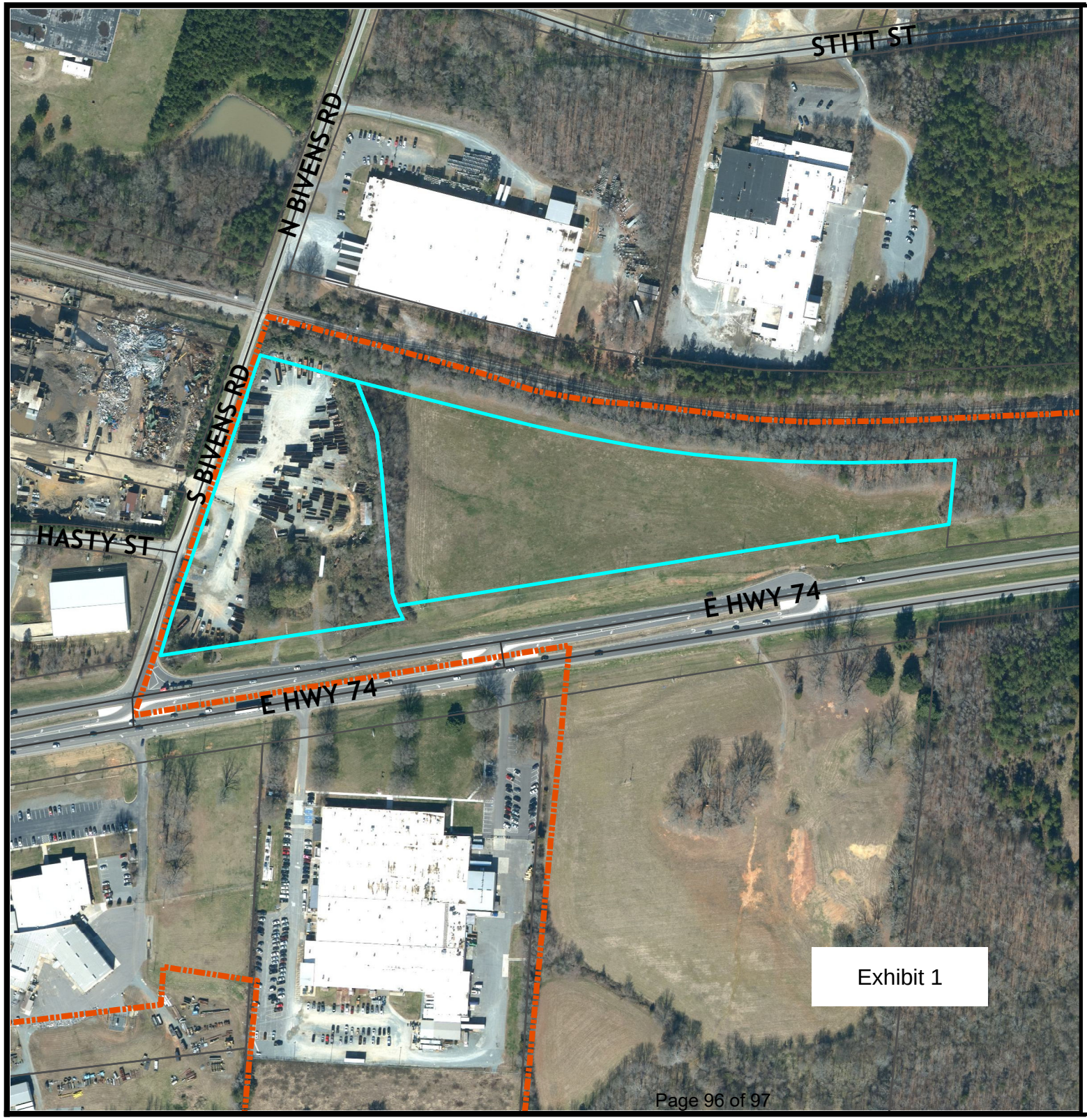
D. **Board of Adjustment Evidentiary Hearing.**

1. Burden of Presenting Evidence. The burden of presenting a complete application is upon the applicant and the hearing shall be quasi-judicial in nature.
2. The BOA will review the proposed special use permit under the following criteria:
    a. The proposed use does not materially endanger the public health or safety;
    b. The proposed use meets all required conditions and specifications of the UDO;
    c. The proposed use will not substantially injure the value of adjoining propertyunless the proposed use is a public necessity; and,
    d. The propose use will be in harmony with the area in which it is located and otherwise be in general conformity with the City of Monroe's adopted plans.
3. The BOA shall determine whether the criteria above has been met based upon the evidence submitted, and either approve the special use permit or deny the special use permit, through a simple majority vote

E. **Additional Requirements.**

1. The BOA may impose reasonable and appropriate conditions and safeguards as a condition of approval but may not waive or reduce any applicable standards set forth in this UDO if the modification or adjustment meets the intent of the Forward Monroe Plan and provides a development of equal or great quality.

F. **Effect.** A special use permit is binding and runs with the property unless amended or modified. A special use permit shall expire if construction has not begun within two years from the date of the special use permit approval by the BOA.



City of Monroe
Where Heartland Meets High Tech

Ortho Map

3001 East Highway 74

Legend

- Centerlines
- Parcels
- City Limits
- ETJ
- Subject Property

Owner:
Metal Recycling Service, LLC

Acres: 19.7

N
W E
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0 140 280 560 Feet

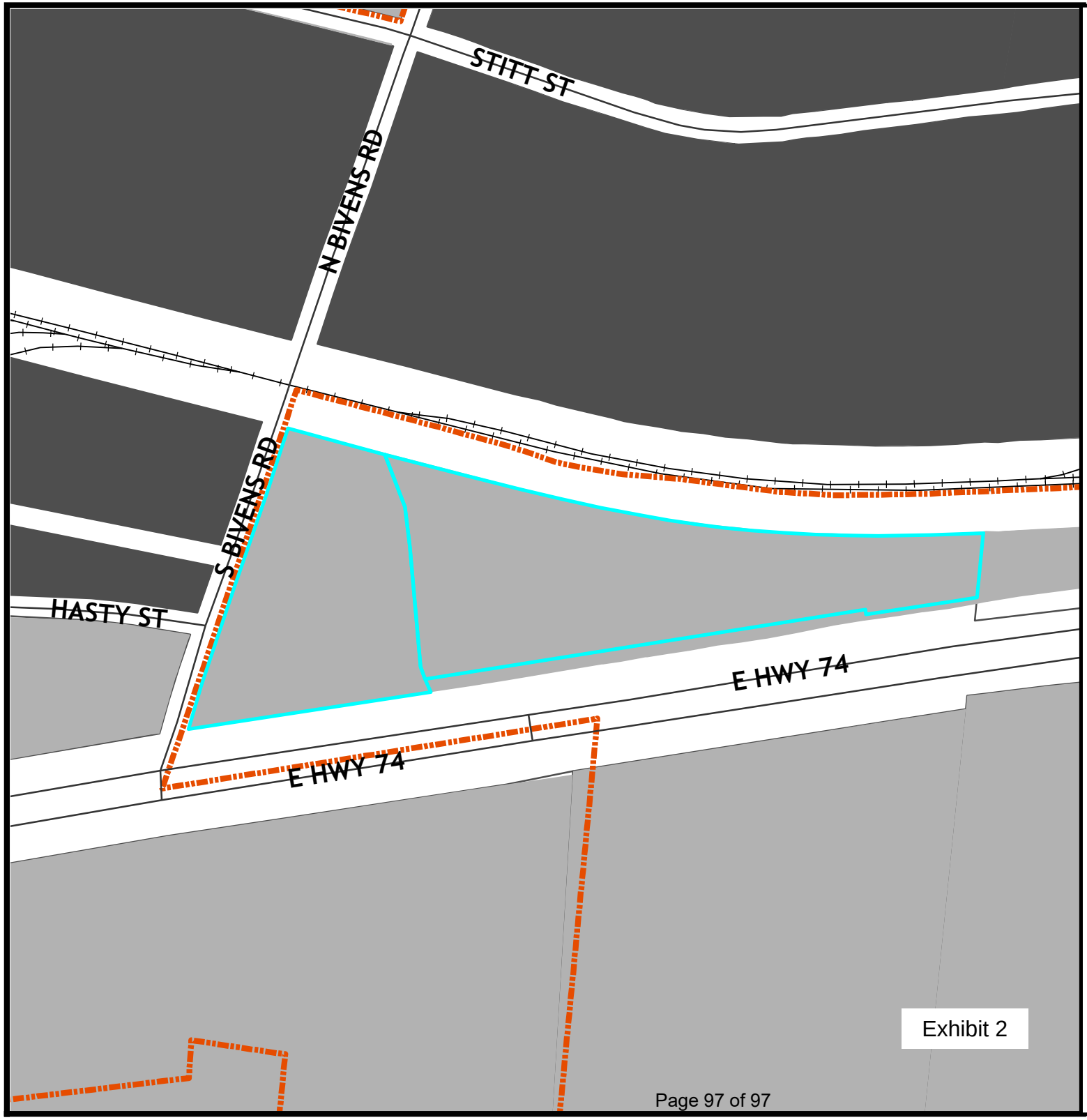

Exhibit 2

City of Monroe
Where Heartland Meets High Tech

Zoning Map

3001 East Highway 74

Legend

- Centerlines
- City Limits
- Parcels
- Rail

Zoning

- GI
- HI

Owner:
Metal Recycling Services, LLC

Acres: 19.7

0 285 570 Feet

N W E S