



Docket Item #14
Special Use Permit #2013-0059
3640 Wheeler Avenue - Recycling Center

Application	General Data	
Consideration of a Special Use Permit request to operate a recycling and materials recovery facility.	Planning Commission Hearing:	September 4, 2014
	City Council Hearing:	September 13, 2014
Address: 3640 Wheeler Avenue	Zone:	I / Industrial
Applicant: Wheeler Avenue Recycling LLC	Small Area Plan:	Seminary Hill

Staff Recommendation: DENIAL subject to compliance with all applicable codes and ordinances, and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov



SUP #2013-0059
3640 Wheeler Avenue



I. DISCUSSION

The applicant, Wheeler Ave. Recycling LLC, requests Special Use Permit approval to operate a recycling and materials recovery facility at 3640 Wheeler Avenue.

SITE DESCRIPTION

The subject site is one irregularly-shaped lot of record with 315 feet of frontage on Wheeler Avenue, approximately 285 feet of depth, and a total lot area of 87,120 square feet (two acres). The lot is improved with a 7,800 square-foot, two-story building, a one-story 3,750 square foot storage shed and a second shed that would be removed under this proposal. The remainder of the lot consists of a surface parking lot includes gas pumps.



The main building at the site was constructed as a mill between 1776 and 1810 and was designated in 1984 as a “100 Year-Old Building.” Pursuant to Section 10-300 of the Zoning Ordinance, exterior alterations are subject to the review and approval of the Board of Architectural Review.



A small stream is located just beyond the southern property line, and has been designated with a Resource Protection Area (RPA) that extends onto a small portion of the subject site.

The property is surrounded by a mix of commercial, institutional and residential uses. The Alexandria Police Department headquarters is located to the east. Railroad and Metrorail tracks are located to the south. A parking lot used by Lindsay Lexus and an office building are located to the west. To the north across Wheeler Avenue is Spicer’s Upholstery and the residential Normandy Hill apartments, located uphill with a view of the site. The closest apartments are located about 125 feet away from the front property line of the subject site.

GENERAL BACKGROUND

Flippo Construction operated out of this location for many years until approximately September 2013, when it consolidated its operations at its Maryland headquarters. The site has been vacant since that time.

The applicant, Wheeler Avenue Recycling LLC, is owned by Smith Industries, Inc., which operates several recycling centers in Virginia, Maryland, Delaware and Pennsylvania. A facility similar to the current proposal is located in Woodbridge, Virginia, and other recycling centers within the Washington, DC metropolitan area are located in Manassas and College Park. Smith Industries also operates two “mega shredder” plants, the closest of which is in Capital Heights, Maryland. The applicant brings materials collected at the recycling centers to these larger plants for final processing. Raw metals are eventually sold to industrial mills where they are formed into new products.

REQUEST BACKGROUND

The applicant originally applied for this Special Use Permit request in late July 2013 for potential inclusion on the October 2013 docket. Staff requested additional information about the recycling operation which resulted in the deferral of the case to the November 2013 docket. Staff informed the applicant in a meeting in early October 2013 about its concerns with the proposal, most especially the potential that excessive noises could negatively impact surrounding properties. The applicant believed it could mitigate potential concerns and agreed to consider adjustments to its original proposal. Staff spoke again with the applicant and its attorney at a meeting in February 2014 regarding the concerns previously expressed in October 2013. In an attempt to address these matters, the applicant submitted an addendum to its application in June 2014 with the intention that the case would be included on the September 2014 docket.

PROPOSAL

The applicant proposes to operate a metal recycling facility at the site. A wide variety of materials would be accepted at the site from businesses, institutions, contractors and individual peddlers. The most common category of items proposed to be recycled at the site include all forms of ferrous (magnetic) and non-ferrous metals, including automobiles, scrap metal, copper, brass, and aluminum. Household appliances, old air conditioning units, and lead-acid batteries would also be accepted as long as certain fluids such as gasoline and Freon are removed. The applicant would not accept a wide variety of materials outside of the scope of its primarily metal processing business, such as: common (household or commercial) trash and recyclables, wood, cement, commercial/industrial chemicals, medical waste, explosives, tanks of oxygen or other gases, asbestos, and mercury.

The unloading of recycled materials from trucks would occur within the circular vehicle path the applicant would establish in the central portion of the site. First, customers would present identification and drive trucks onto an industrial scale for initial weighing. Customers would then either unload materials themselves or the applicant would unload them. Once empty, customers' trucks would return to the scale for a second weighing and then circle around again to exit the facility.

At staff's request, the applicant plans to install the scale in a location on the property that would allow at least one truck to wait on-site while another truck is being weighed.

Upon acceptance, the materials would be held on-site either within the existing one-story storage building or outside in one of an estimated three storage piles. Ferrous metals including automobiles would be crushed, or bailed, into compact units for more convenient shipping to the Maryland facility. The applicant proposes to complete this work using a diesel-fueled bailer, which is a piece of equipment measuring approximately 53 feet long and 13.5 feet high and includes a crane and an internal storage bin. Metals would be retrieved from adjacent piles using the crane and placed within the bailer's storage bin. Around this bin are movable parts that close inward to crush the metal into more compact units measuring approximately 3.5 feet wide by two feet high and at a variable length. Non-ferrous metals would be primarily hand-sorted into storage containers, known as Gaylord boxes, or through the use of a second, smaller bailer and would be likely stored inside.



Scale (at Woodbridge facility)



Bailer (at Woodbridge Facility)

Once bailed and sorted, the applicant would transfer the material to Maryland by truck. Ferrous material would be loaded into large containers known as 30-yard roll-off boxes that are then transferred on to the back of a flatbed truck. Non-ferrous materials would be loaded onto tractor trailer trucks for shipment. At full capacity, the applicant expects that up to two trucks of ferrous material could leave the facility each day and up to one tractor trailer truck of non-ferrous material could leave the facility every week. Additional elements of the request, according to the applicant, are as follows:

Hours of Operation:

7:30 a.m. – 5 p.m. Monday-Friday
7 a.m. – 2 p.m. Saturday
10 a.m. – 2 p.m. Sunday

Drop-off Visits:

Approximately 130 visits from pick-up, stake-body, and tractor trailer trucks are expected at the site each day.

<u>Pick-up Visits:</u>	Up to two flatbed trucks each day (ferrous) and one tractor trailer truck each week (non-ferrous) are to pick-up recycled materials and deliver them to the processing facility in Maryland.
<u>Number of Employees:</u>	Up to 12 employees at any one time
<u>Noise:</u>	The applicant states that it does not expect excessive noises at the facility. Staff has reached a different conclusion as discussed in Section III of this report.
<u>Odors:</u>	No odors are expected from the use according to the applicant.
<u>Trash/Litter:</u>	Incidental staff-generated trash will be picked-up from the site once each week.

ZONING/MASTER PLAN DESIGNATION

The property is located in the I / Industrial zone. Pursuant to Section 4-1203(R) of the Zoning Ordinance, recycling and materials recovery facilities are allowed in the Industrial zone only with Special Use Permit approval. The proposed use is located in the Seminary Hill Small Area Plan chapter of the Master Plan which designates the property for light industrial uses.

PARKING

Pursuant to Section 8-200(A)(19) of the Zoning Ordinance, for industrial buildings used for storage purposes, one off-street parking space is required for every 400 square feet of office space and one off-street parking space is required for every 3,000 square feet of storage area. With up to 2,350 square feet of interior office space and approximately 9,200 square feet of storage area, 10 off-street parking spaces are required for the use. The applicant satisfies this requirement with the provision of 18 off-street parking spaces located in front of the office building.

The use is technically exempt from the ordinary loading space requirement in the Zoning Ordinance since the buildings on the site have been occupied since 1963 (Section 8-200(B)(5)). The applicant has provided a site plan showing how the two-acre site would function for the routine truck deliveries associated with the operation of the use.

II. STAFF ANALYSIS

Staff does not support the applicant's request to operate a recycling center at this location. Although zoned industrial, the property is located across the street from residential apartments and is also adjacent to commercial uses and the Alexandria Police Department headquarters. This heavy industrial use is not well-suited for this neighborhood, and in fact none of the applicant's other Washington, DC-area recycling centers are located in similarly close proximity to residential uses.

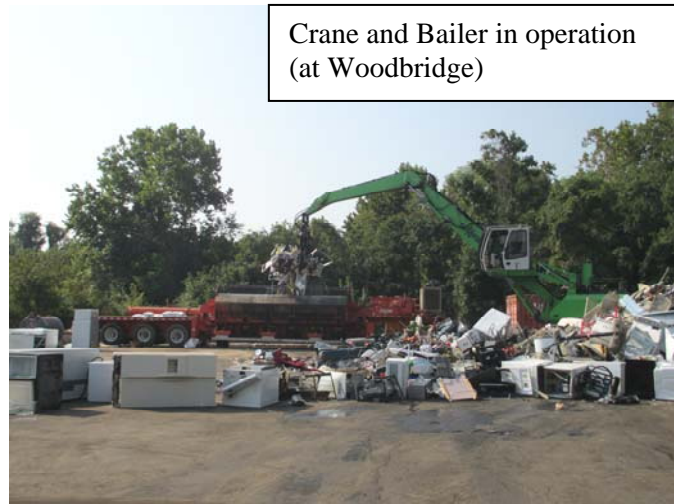
The use is likely to negatively impact surrounding properties, most especially from the scraping, clanging, and crushing metal sounds that would occur outside as a routine part of the proposed business and would exceed established standards for excessive noise. Staff recommends **denial** of the Special Use Permit.

Excessive Noise

The most significant negative land-use impact that could be expected from the recycling proposal is the potential for excessive noise. A variety of loud sounds are likely to occur here given the general characteristics of the use and the specific observations staff made during a visit to the applicant's Woodbridge facility in September 2013.

Sound Sources

As with any similar facility, truck traffic could create high sound levels, whether from engines, brakes or the sound of truck beds and their contents shifting weight while going over road bumps or during braking. The act of crushing metal in a bailer would likely create loud sounds, and the bailer itself has a loud diesel engine. Given that a crane picks up or drops loose metal items, noises are expected during transfer of ferrous metals out of customers' trucks, into piles and into the bailer. Metal items would routinely bang against each other, the crane, the ground, or the bailer itself, thereby creating loud and piercing sounds. It is also likely that the crane would scrape across the ground while picking up loose metals, creating loud and disruptive sounds. It is important to note that while any one of these sounds could be disruptive on their own, they could occur all at the same time during the normal operation of the facility. Moreover, the frequency of the sounds is anticipated to be routine throughout the day: up to 130 trucks are expected daily at peak operation and the transfer of metal and the running of the bailer are expected to be routine aspects of the business.



Sound Levels

Staff has compiled data from two sources to estimate the level of sound expected from the above-described sources at the site. During its site visit to Woodbridge, staff measured sounds using a noise meter and registered the following readings: **82-86 dB(A)** at approximately 65-70 feet from the bailer, **72-90 dB(A)** approximately 150-175 feet from the bailer, and **72-80 dB(A)** at a distance of approximately 300 feet away.

In its amended application materials, the applicant has shared the results of noise measurements it authorized at its Woodbridge facility in order to meet Occupational Safety & Health Administration (OSHA) standards for its employees. The decibel ranges for sounds emitted at the facility, measured at various distances and directions from the bailer, can be found on the bottom row of the table below.

<i>Distance from Bailer</i>	60 feet	70 feet	80 feet	150 feet
<i>Direction from Bailer</i>	South	East	West	North
<i>Decibel Range (dB(A))</i>	<u>68-83</u>	<u>63-82</u>	<u>62-82</u>	<u>60-78</u>

Noise Standards

To determine whether the sounds identified as being a part of the use could exceed acceptable levels, staff has considered two standards: 1) the considerations for review of Special Use Permit requests found in the Zoning Ordinance and 2) the City's noise ordinance.

Section 11-504 of the Zoning Ordinance asks City Council to consider: *“Notwithstanding any other provisions of the city code, whether the proposed use will have noise characteristics that exceed the sound levels that are typical of permitted uses in the zone.”* Permitted uses in the Industrial zone include: automobile service stations, bottling plants, light automobile repair, machine shops, manufacturing uses, sheet metal shops, and storage buildings/warehouses. Although some sounds including truck traffic could be expected from the activities associated with these types of businesses, staff does not believe that the sounds expected for those businesses would be similar to the sounds coming from the regular operation of a diesel-powered bailer and frequent clanging and scraping of metal at the recycling center. Furthermore, in most cases, permitted uses in the Industrial zone are necessarily contained within a completely enclosed building. Sounds associated with a bottling plant, for instance, would be mitigated by a building because bottling equipment is not typically located outside. In comparison, the majority of the proposed recycling center operation would be located outside and would not have the benefit of a building to mitigate noises. Staff believes the proposal does not meet the Special Use Permit approval standard regarding acceptable noise levels.

Staff has also compared sound level data to the standards from the City's noise ordinance (Sections 11-5-1 through 11-5-11 of the Alexandria City Code). Although some exceptions exist for special activities such as powered lawn equipment and construction projects, the noise ordinance stipulates at Section 11-5-5 that sounds at a property line cannot exceed either 55 dB(A), 60 dB(A), or 70 dB(A), depending on the uses located in an area 200 feet around the property. In this case, despite residential apartments being located immediately across the street and the property being zoned Industrial, the majority of adjacent uses are commercial businesses. According to the noise ordinance, the maximum allowable sound level in a commercial-use area is **60 dB(A)**.

Application materials show that the bailer, and consequently the most likely location for holding piles of ferrous metals, would be located at a distance approximately 150 feet from the front property line. Noise readings taken by Transportation and Environmental Services staff at the Woodbridge site from this same distance are in the range of **72-90 dB(A)**, and the applicant's own readings from the Woodbridge site show **60-78 dB(A)**. Given that the lowest of these readings matches the maximum permitted level, it is reasonable to conclude that the recycling center operation would routinely violate the City's noise ordinance without the installation of any noise mitigation measures.

Potential Mitigation

Staff advised the applicant in October 2013 and again in February 2014 of its serious concerns that the proposed use would likely create excessive noises. It also described the significant challenges it anticipated the applicant could encounter in engineering an adequate solution given that certain uses are located uphill from the site and given the large difference between staff's readings and the maximum levels allowed by the noise ordinance. In June 2014, the applicant provided an addendum to its initial application that contained at least two changes relevant to potentially mitigating noises at the site. The applicant agreed to: 1) install trees near the location of the bailer and 2) install an eight-foot high concrete sound barrier at the north end of the area where ferrous metals would be collected.

Although tree plantings may offer some aesthetic benefit to the Alexandria Police headquarters immediately next-door, it offers little noise reduction benefit. It is true that the proposed concrete wall could help mitigate excessive noises, but only by approximately 5-7 decibels when properly designed, which is not enough of a reduction to bring the noise levels below the noise ordinance threshold in all instances. Furthermore, while the noise ordinance requires compliance at the applicant's property line in all directions, unmitigated noises could nonetheless travel in all other directions from the source, such as over or around the proposed wall or to the sides of the site. Planning & Zoning and Transportation & Environmental Services staff conclude that the applicant's proposed mitigation measures are inadequate to address the likelihood that the recycling center would regularly exceed noise ordinance levels and would therefore negatively impact adjacent properties.

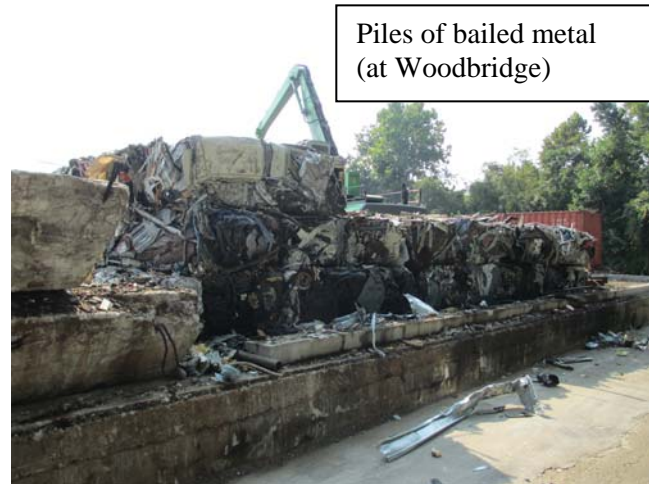
Additional Considerations

Staff sees potential for additional negative impacts from the use. For instance, staff is concerned that a variety of metals, oils, gasoline and other chemicals that could spill at the site or regularly wash off the property and into the nearby stream during periods of rain. At staff's request, the applicant did agree to move its loading/unloading operations away from the RPA and the nearby stream and to a more central location on the site. Although this change would be helpful, it would represent only a minor improvement at best. Staff believes that additional measures are necessary to mitigate the potential negative impact on the nearby stream.

Some potential exists for metal items to fall off of trucks entering or exiting the facility, resulting in litter accumulating near the facility and leaving road debris that could cause hazards for area drivers, including the Alexandria Police Department. In addition, given that the applicant would not accept a wide variety of materials such as household trash and some hazardous materials, it seems possible that at least some customers could dump rejected items outside of the facility. As a result, unsightly and potentially hazardous trash could accumulate in areas adjacent to the site.

Non-ferrous metal, particularly copper, has increased in value in recent years such that the theft of metal from unoccupied residences or other buildings has become a particular concern around the country. As it does at its existing sites, the applicant plans to require identification from each customer, record them on camera, and work with law enforcement to track down stolen materials. Staff is concerned, however, that additional Police Department resources would be necessary to investigate metal thefts, whether because of increased theft within Alexandria or due to coordination with other law enforcement agencies regarding material stolen from other jurisdictions.

A central element of the recycling center operation is the holding of ferrous metals, waiting to be bailed or transported off-site, in outdoor piles located approximately in the center portion of the property. These piles of twisted metal debris could be unsightly and would be visible from Wheeler Avenue and adjacent properties, including the Normandy Hill apartments during winter months. In conversations with the applicant, staff recommended additional screening improvements, and the applicant now proposes to install plastic slats into the existing fence. Although they could provide



Piles of bailed metal
(at Woodbridge)

some relief, staff is skeptical that this screening proposal is adequate given that the existing fence already has plastic slats that do not offer proper screening. Overall, plastic slats are not particularly attractive nor would they provide screening in the event that metal piles exceed the height of the existing fence. The applicant reports that it does not anticipate tall piles of metal to accumulate at the site, since it is in their financial interest to move the material out of the facility as quickly as possible. Although staff did not observe especially tall piles of metal during its Woodbridge site visit last year, it nonetheless seems likely that the piles could at least exceed the height of the existing fence, or could be much taller should recycling market conditions shift or if the facility is exceptionally popular.

The applicant has asserted several potential benefits from this proposal, including the environmentally-friendly aspect of a recycling business, the establishment of about a dozen or more new jobs in the City, and the ability to more conveniently recycle metal items within Alexandria, including those from government buildings. However, staff believes that the potential benefits of the use are relatively minor and do not outweigh stated concerns.

Neighborhood Input

Staff has discussed the proposal with several neighboring property owners, and understands that most of them have expressed opposition to the proposal based on noise, traffic, and aesthetic concerns. The Wakefield-Tarleton Civic Association expressed opposition to the proposal and has particular concern about cut-through traffic. The Early Street Village Homeowners Association and the owner of the Normandy Hill Apartments have also been informed of the proposal. Staff also attended a meeting of the Seminary Hill Civic Association at which the SUP request was discussed.

Potential Condition Language

As it has done in other cases recommended for denial, staff has prepared potential condition language in Section III of this report if City Council were to approve the Special Use Permit request. Certain conditions address standard matters such as hours of operation, litter, and odors. The majority of the conditions have been crafted to address specific staff concerns such as noise, stormwater runoff, truck traffic, and screening.

Condition #9 would require the applicant to submit a noise plan conducted by a third-party in order to confirm that the use meets the City's noise ordinance. If the applicant is unable to meet the ordinance, Condition #10 would require it to install noise abatement measures.

In Condition #12 staff recommends that the applicant be required to install stormwater Best Management Practices (BMPs) to treat all stormwater runoff and contact water from its entire site prior to the start of the operation of the use. Staff believes a BMP is warranted in this case given the type of use proposed, the types of materials and chemicals expected to be present at the site, and the existence of the Resource Protection Area (RPA) downhill and at the southern edge of the site. The installation of these BMPs would necessitate the filing of a grading plan, at which time staff would also assess whether the project triggers code-required erosion and sediment control measures and a water quality impact assessment (the latter of which is re-enforced in Condition #13). Conditions #14-16 require the applicant to follow standards for the maintenance of the stormwater BMPs.

Compared to the applicant's proposal, Condition #2 would eliminate Sunday hours entirely and require a slightly later opening hour of 8 a.m. daily. These changes are recommended to reduce potential noises from affecting nearby residences in the early morning and on Sundays. Condition #5 would require the applicant to install alternative screening measures, such as a solid fence and evergreen trees, to enhance the site's appearance and to better screen recycling center activities compared to the proposed plastic slats. The condition also clarifies that screening would be required along all of the site's property lines to offer relief to all adjacent properties and to comply with Section 4-1206 of the Zoning Ordinance, which requires uses in the Industrial zone to be screened on all sides.

Condition #6 would prevent truck traffic from waiting on Wheeler Avenue or otherwise blocking the right-of-way, and Condition #7 stipulates that trucks may only use the intersection of Wheeler Avenue and Duke Street to access the site, as opposed to residential side streets. Finally, Condition #24 requires a total of four staff-level reviews. The first would occur at three months after the use is operational to coincide with the end of the three-month noise monitoring plan required in Condition #9. Additional reviews would occur at the one, two, and three-year marks in order to ensure that the use operates within the limits of the noise ordinance and all SUP conditions.

Conclusion

The frequent clanging and scraping of metal, as well as other noise-producing aspects of the business, would likely and routinely exceed the City's established standards for noise in this location. Staff has reached this conclusion based on its observations and recorded data from a comparable site as well as the applicant's own noise readings from that site. The use also does not meet Special Use Permit approval criteria from the Zoning Ordinance regarding noise. The applicant's attempts to mitigate expected noise fall short of what would be necessary to meet minimum standards. The proposed recycling center is a heavy-industrial type of use not appropriate for this neighborhood that, although it has industrially-zoned land, also includes commercial businesses and residences. Staff recommends **denial** of the Special Use Permit request.

III. RECOMMENDED CONDITIONS

Staff recommends **denial** of the requested Special Use Permit. If, however, the request is approved, staff recommends that the request be approved subject to compliance with all applicable codes and ordinances and the following conditions:

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the business shall be limited to between 8 a.m. and 5 p.m., Monday-Friday, 8 a.m. and 2 p.m. on Saturdays. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
5. The applicant shall install new screening, possibly including but not limited to solid fencing and evergreen trees, along all property lines of the facility to the satisfaction of the Director of Planning & Zoning. (P&Z)
6. No vehicles waiting to use the facility shall line up on the City's roadways, public rights-of-way, or beyond the subject property. (P&Z)
7. Vehicles transporting recyclable material to or from the recycling center facility shall access Wheeler Avenue directly from Duke Street only. (P&Z)
8. The applicant shall employ all appropriate measures to prevent excessive idling of trucks at the site so as to minimize truck exhaust emissions. (P&Z)
9. The SUP is approved conditionally to meeting the City's noise code. The applicant is required to conduct a three-month continuous noise monitoring program by a qualified consultant proposed by the applicant and approved by the City for the first three months of operation of the facility. The consultant's monitoring program plan shall be approved by the City and monitoring results shall be submitted to the City every two weeks for the first month and on a monthly basis thereafter. This noise monitoring program is to demonstrate that the facility meets the City's noise code at all property lines. (T&ES)
10. If the above mentioned monitoring found that the facility did not meet the City's noise code, the facility shall cease to operate immediately those activities that do not comply with the noise code. The applicant would then be required to develop a noise abatement plan aimed at complying with the City's noise code, to the satisfaction of the Director of Transportation and Environmental Services. (T&ES)
11. The use of a public announcement (PA) system or loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)

12. Wheeler Avenue Recycling shall install Stormwater Management Facility (SWMF) to treat all stormwater runoff and contact water from its entire site prior to commencement of operations. The stormwater management facility shall be designed and constructed to address pollutants of concern i.e. sediments, metals and petroleum based products. The SWMF shall be located within the boundaries of the facility. The design and location of the SWMF shall be submitted as a grading plan and shall meet the satisfaction of the Department of T&ES. (T&ES)
13. Water Quality Impact Assessment, if disturbance occurs in the RPA, shall be submitted and approved prior to release of the grading plan. (T&ES)
14. Wheeler Avenue Recycling shall execute a maintenance agreement with the City for all installed stormwater Best Management Practices (BMPs). Wheeler Avenue Recycling shall secure a maintenance contract with the vendor of the installed SWMF and provide a copy of the contract to the City or the applicant shall obtain certification from the vendor that appropriate maintenance has been performed by the employees of the applicant. Two signed, notarized originals of the BMP agreement shall be submitted during the grading plan review, and shall be recorded with Land Records prior to release of the plan. (T&ES)
15. The stormwater BMPs required for this project shall be constructed and installed under the direct supervision of the design engineer or his designated representative. After the BMPs are constructed, the design engineer shall make a written certification to the City that the BMP(s) are constructed and installed as designed and in accordance with the approved Plan. (T&ES)
16. Wheeler Avenue Recycling shall develop or obtain an Operations and Maintenance Manual from the designer or manufacturer of the SWMF. The Manual shall include (1) an explanation of the functions and operations of each BMP and any supporting utilities, (2) catalog cuts on any mechanical or electrical equipment, (3) a schedule of routine maintenance for the BMP(s) and supporting equipment, and (4) a copy of the maintenance agreement with the City. Wheeler Avenue Recycling shall maintain the SWMF in accordance with the procedures prescribed in the Manual. The maintenance records shall be maintained at the facility for five years and shall be provided to the Department of T&ES once every year or upon request. (T&ES)
17. The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
18. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
19. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

20. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
21. Litter on the site and recyclable material, debris and litter on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (T&ES)
22. The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a security survey for the business and a robbery readiness program for all employees. (Police)
23. The applicant shall require all customers to present identification and shall record basic identifying information about these customers as well as the type and amount of materials delivered to the recycling center facility. The applicant shall provide such information to the Chief of Police and the Director of Planning & Zoning upon request. (P&Z)(Police)
24. The Director of Planning and Zoning shall review the Special Use Permit three months, one year, two years, and three years after the use becomes operational, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Alex Dambach, Division Chief, Department of Planning and Zoning;
Nathan Randall, Urban Planner.

Staff Note: In accordance with Section 11-506(c) of the Zoning Ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a Special Use Permit by City Council or the Special Use Permit shall become void.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services

- F-1 Based upon a review of the information provided, the TES/OEQ cannot support the proposed use at this location because staff continues to believe that it cannot comply with the permissible sound level at all property lines. (T&ES)
- F-2 Plan as submitted does not clearly delineate the limits of disturbance. This is critical information to make a determination what requirements under the Environmental Management Ordinance and Erosion and Sediment Control Ordinance are applicable. The information will also help to make a determination if and what type of Water Quality Impact Assessment is required on this site. This information must be provided prior to submission of the required grading plan to enable TES to make specific recommendations and to provide guidance on these critical issues. (T&ES)
- F-3 In previous meetings with the applicant, T&ES personnel have expressed serious concerns about the noise generated from operations of the proposed metal recycling facility. Based upon the noise code and a review of the surrounding uses, the predominant uses within 200 feet of the proposed location are for commercial purposes, and thus this proposed recycling facility has to meet the 60 dB limit at its property boundary. (T&ES)
- F-4 The supplementary information provided by the applicant includes a document entitled "Occupational Noise Report –JSS Woodbridge Metals". This noise survey report was carried out at a similar recycling facility owned by the applicant and located in Woodbridge, Virginia, for the purpose of determining the occupational noise exposure level. It does not provide any data or information that is directly related to the proposed use in Alexandria, or specific indications whether or not the proposed use can meet the City noise code at the property line. The information provided, in fact, reaffirms to staff that the operations at this type of facility is extremely likely to exceed the noise ordinance limits. (T&ES)
- F-5 Of particular interest, the noise levels reported in the above-mentioned document at several distances from the metal handler and baler at the Woodbridge site were 60-78 dB at 150 feet (North Side), 68-83 dB at 60 feet (South Side), 62-82 dB at 80 feet (West Side) and 63-82 dB at 70 feet (East Side). Within the noise levels provided, and the distances to the property line, staff does not believe the proposed facility will comply with the permissible sound level at all property lines. (T&ES)
- F-6 The applicant did amend its SUP application to include a noise wall as part of its revised conceptual site plan, although the rationale for its location and dimensions (width and height) are not known. However, it is an established fact that a noise wall could potentially reduce noise level by 5-7 dB when properly designed.

Considering the above measured noise levels and the fact that a noise wall can only be effective in reducing noise in the intended direction, staff is still very skeptical of the ability of the proposed facility to meet the City's noise code. (T&ES)

- R-1 The SUP is approved conditionally to meeting the City's noise code. The applicant is required to conduct a three-month continuous noise monitoring program by a qualified consultant proposed by the applicant and approved by the City for the first three months of operation of the facility. The consultant's monitoring program plan shall be approved by the City and monitoring results shall be submitted to the City every two weeks for the first month and on a monthly basis thereafter. This noise monitoring program is to demonstrate that the facility meets the City's noise code at all property lines. (T&ES)
- R-2 If the above mentioned monitoring found that the facility did not meet the City's noise code, the facility shall cease to operate immediately those activities that do not comply with the noise code. The applicant would then be required to develop a noise abatement plan aimed at complying with the City's noise code, to the satisfaction of the Director of Transportation and Environmental Services. (T&ES)
- R-3 All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-4 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 Wheeler Avenue Recycling shall install Stormwater Management Facility (SWMF) to treat all stormwater runoff and contact water from its entire site prior to commencement of operations. The stormwater management facility shall be designed and constructed to address pollutants of concern i.e. sediments, metals and petroleum based products. The SWMF shall be located within the boundaries of the facility. The design and location of the SWMF shall be submitted as a grading plan and shall meet the satisfaction of the Department of T&ES. (T&ES)
- R-6 Water Quality Impact Assessment, if disturbance occurs in the RPA, shall be submitted and approved prior to release of the grading plan. (T&ES)
- R-7 Wheeler Avenue Recycling shall execute a maintenance agreement with the City for all installed stormwater Best Management Practices (BMPs). Wheeler Avenue Recycling shall secure a maintenance contract with the vendor of the installed SWMF and provide a copy of the contract to the City or the applicant shall obtain certification from the vendor that appropriate maintenance has been performed by the employees of the applicant. Two signed, notarized originals of the BMP agreement shall be submitted during the grading plan review, and shall be recorded with Land Records prior to release of the plan. (T&ES)

- R-8 The stormwater BMPs required for this project shall be constructed and installed under the direct supervision of the design engineer or his designated representative. After the BMPs are constructed, the design engineer shall make a written certification to the City that the BMP(s) are constructed and installed as designed and in accordance with the approved Plan. (T&ES)
- R-9 Wheeler Avenue Recycling shall develop or obtain an Operations and Maintenance Manual from the designer or manufacturer of the SWMF. The Manual shall include (1) an explanation of the functions and operations of each BMP and any supporting utilities, (2) catalog cuts on any mechanical or electrical equipment, (3) a schedule of routine maintenance for the BMP(s) and supporting equipment, and (4) a copy of the maintenance agreement with the City. Wheeler Avenue Recycling shall maintain the SWMF in accordance with the procedures prescribed in the Manual. The maintenance records shall be maintained at the facility for five years and shall be provided to the Department of T&ES once every year or upon request. (T&ES)
- R-10 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- R-11 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- R-12 The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
- R-13 The use of a public announcement (PA) system or loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)

- C-3 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)
- C-4 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (Sec. 5-2-1) (T&ES)
- C-5 Erosion and Sediment Controls (to include a plan if required) shall be provided per Section 5-4 of the City Code. (T&ES)

Code Enforcement

- F-1 No comments received.

Health Department

- F-1 No comments.

Parks and Recreation

- F-1 No comments received.

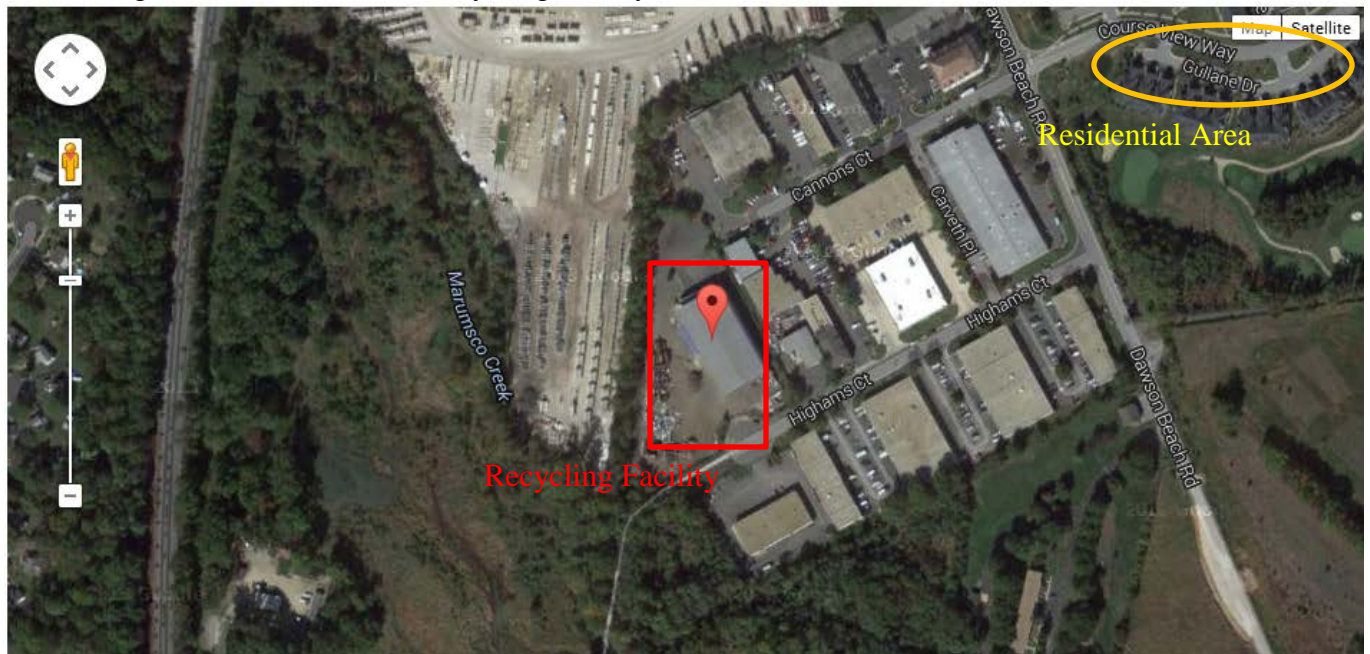
Police Department

- F-1 The Police Department does not support the listed SUP and is opposed to the purchasing, receiving, bale or box and haul away ferrous metals, non-ferrous metals, old autos, trucks and equipment.
- Traffic Congestion – Obstructing entry/exit to police facility
 - Excessive noise for employees and residents
 - Spot blight
 - Odor
 - Pollution
 - a. Loose debris
 - b. Unloaded materials left when facility is closed or full
 - c. External disfigurement of police facility – dirt/grime
 - Additional investigation necessary to deal with fraudulent disposal of materials (stolen goods) “clients”/suspects will be coming from DC & MD because of convenient location

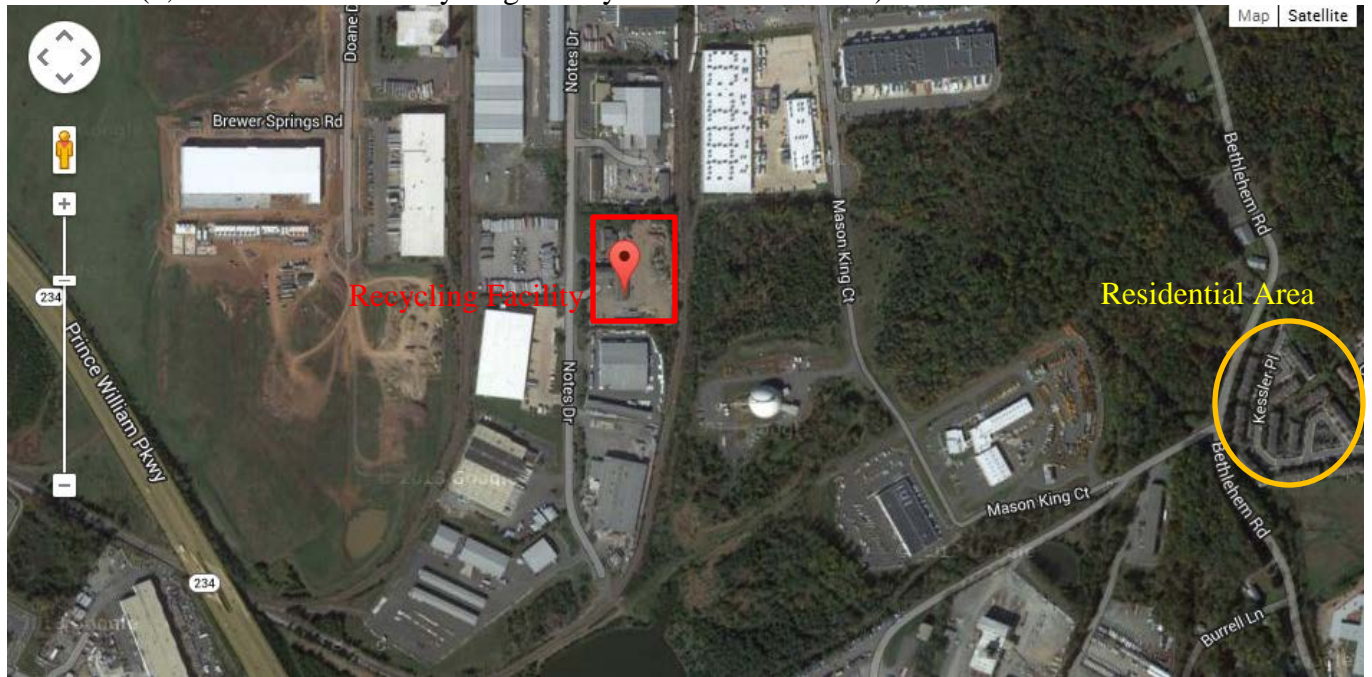
Fire Department

- F-1 A Fire Protection Permit (FPP) will be required and a review by the Environmental Investigation Unit (EIU) will be necessary due to the materials that will be present (old cars, oils, fuels).

Woodbridge (1,000 feet between recycling facility and residential area)



Manassas (2,400 feet between recycling facility and residential area)



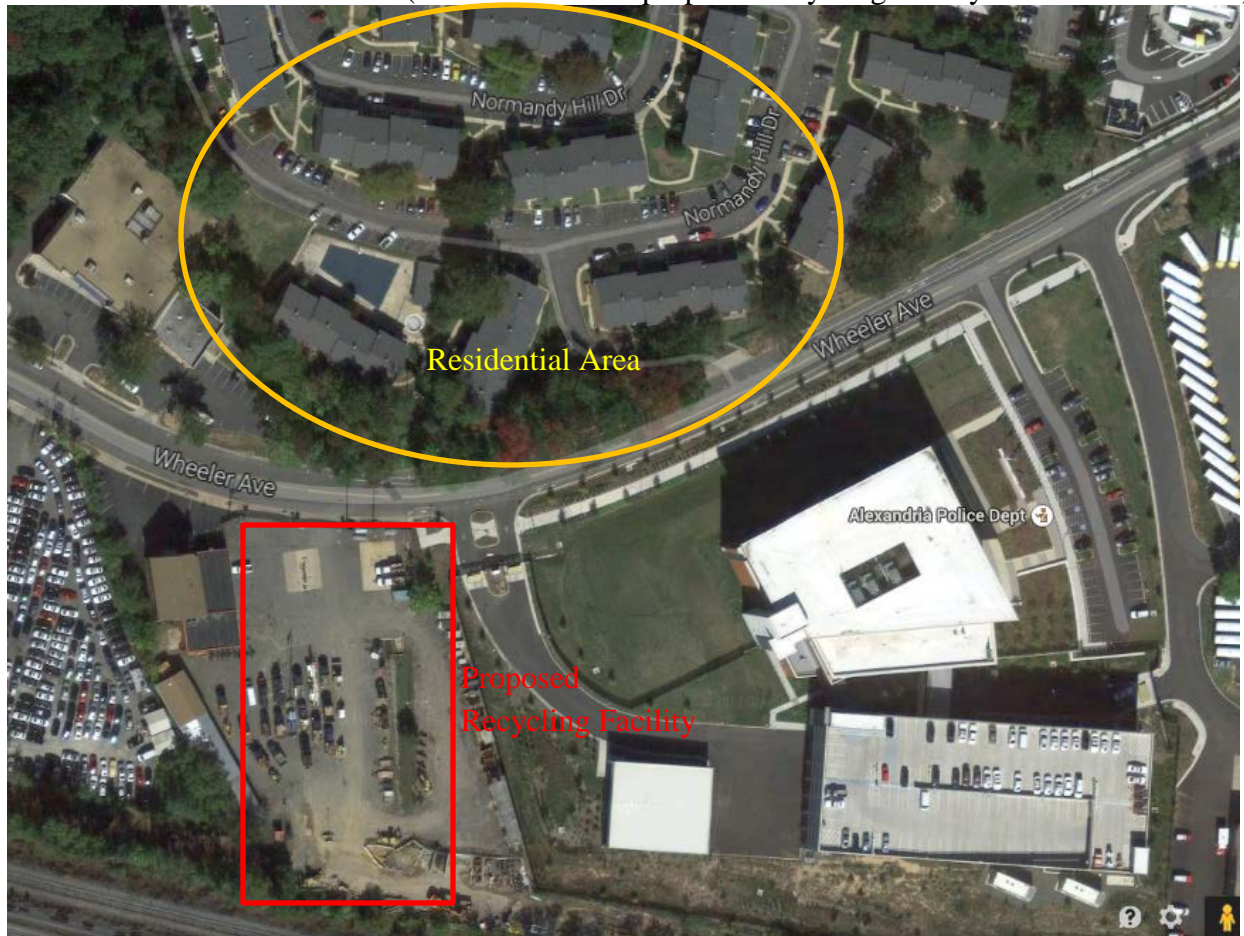
Capitol Heights (450 feet between recycling facility and residential area across major highway)



College Park (600 feet between recycling facility and residential area)



Alexandria – Wheeler Avenue (100 feet between proposed recycling facility and residential area)





APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2013-00059

PROPERTY LOCATION: 3640 Wheeler Avenue

TAX MAP REFERENCE: 060.04-02-22 **ZONE:** 1

APPLICANT:

Name: Wheeler Ave. Recycling, LLC

Address: 3640 Wheeler Avenue

PROPOSED USE: Receive, bale or box and haul away ferrous metals, non-ferrous metals, old autos, trucks and equipment.

☒ **THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

☒ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

R. Paul Smith

Print Name of Applicant or Agent

3640 WHEELER AVE.

Mailing/Street Address

ALEXANDRIA VA 22304

City and State

Zip Code

[Signature]

Signature

7/25/13

Date

301-773-1266

Telephone #

301-773-7346

Fax #

PS61@aol.com

Email address

ACTION-PLANNING COMMISSION: _____ **DATE:** _____

ACTION-CITY COUNCIL: _____ **DATE:** _____

SUP # 2013-00059

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 3640 Wheeler Avenue, I hereby
(Property Address)
grant the applicant authorization to apply for the recycling use as
(use)
described in this application.

Name: JBJ LLC

Phone: 240-508-0760

Please Print

Address: 3640 WHEELER AVE, ALEX, VA 22304

Email: BEF57@AOL.COM

Signature: [Signature]

Date: 7/25/13

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

☒ Required floor plan and plot/site plan attached.

☐ Requesting a waiver. See attached written request.

2. The applicant is the (check one):

☐ Owner

☐ Contract Purchaser

☒ Lessee or

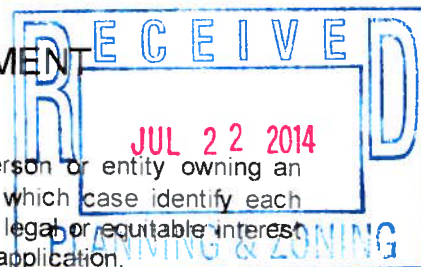
☐ Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

Wheeler Ave. Recycling, LLC - 100%

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary



1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. R. Paul Smith	2001 Kenilworth Avenue Capitol Heights, MD 20743	100%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 3640 Wheeler Avenue, Alexandria, Virginia 22314 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Brian E. Flippo	16 Wolfe Street Alexandria, Virginia 22314	50% ownership of JBJ, LLC which owns 100% of the subject property
2. Jeffrey S. Flippo	2031 Penderbrooke Drive Crownsville, MD 21032	50% ownership of JBJ, LLC which owns 100% of the subject property
3.		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. R. Paul Smith	None	None
2. Brian E. Flippo	None	None
3. Jeffrey S. Flippo	None	None

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

7-22-14
Date

Robert B. Nealon
Printed Name

Signature

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

NA

- ☐ **Yes.** Provide proof of current City business license
- ☐ **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

Receive, bale or box and haul away ferrous metals, non-ferrous metals, old autos, trucks and equipment.

USE CHARACTERISTICS

4. The proposed special use permit request is for (*check one*):
☒ a new use requiring a special use permit,
☐ an expansion or change to an existing use without a special use permit,
☐ an expansion or change to an existing use with a special use permit,
☐ other. Please describe: _____
5. Please describe the capacity of the proposed use:
- A. How many patrons, clients, pupils and other such users do you expect?
 Specify time period (i.e., day, hour, or shift).
 No more than 100 individuals delivering ferrous metals and 100 individuals delivering
 non-ferrous metals per day. See schedule below.
- B. How many employees, staff and other personnel do you expect?
 Specify time period (i.e., day, hour, or shift).
 One shift with 12 workers.
6. Please describe the proposed hours and days of operation of the proposed use:
- | | |
|-----------------------------------|--------------------------------|
| Day: <u>Monday through Friday</u> | Hours: <u>730 am to 500 pm</u> |
| <u>Saturday</u> | <u>7 am to 2 pm</u> |
| <u>Sunday</u> | <u>1000 am to 200 pm</u> |
7. Please describe any potential noise emanating from the proposed use.
- A. Describe the noise levels anticipated from all mechanical equipment and patrons.
 No excessive noise.
- B. How will the noise be controlled?
 All City/State noise ordinances will be complied with and no
 excessive noise will be produced.

8. Describe any potential odors emanating from the proposed use and plans to control them:

None that will leave the site.

9. Please provide information regarding trash and litter generated by the use.

- A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)

Only incidental waste from the staff on site.

- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

No more than a single family home would create.

- C. How often will trash be collected?

Weekly

- D. How will you prevent littering on the property, streets and nearby properties?

Site will be cleaned daily and the use will not lead to littering nearby.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

[] Yes. [X] No.

If yes, provide the name, monthly quantity, and specific disposal method below:

N/A

- 11.** Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

N/A

- 12.** What methods are proposed to ensure the safety of nearby residents, employees and patrons?
All City/State/Federal safety regulations will be complied with.

ALCOHOL SALES

13.

- A. Will the proposed use include the sale of beer, wine, or mixed drinks?

☐ Yes ☒ No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

N/A

PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use:

16 Standard spaces
 Compact spaces
2 Handicapped accessible spaces.
 Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where is required parking located? (check one)

☒ on-site☐ off-site

If the required parking will be located off-site, where will it be located?

N/A

PLEASE NOTE: Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

☐ Parking reduction requested; see attached supplemental form

15. Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are available for the use? Ample Unloading Area;
Site totals 2 acres

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where are off-street loading facilities located? Within the 2 acre land area
surrounding the existing 10,000 sf building.
- C. During what hours of the day do you expect loading/unloading operations to occur?
during the hours listed above.
- D. How frequently are loading/unloading operations expected to occur, per day or per week,
as appropriate?
As indicated above.
16. Is street access to the subject property adequate or are any street improvements, such as a new
turning lane, necessary to minimize impacts on traffic flow?
Street access is adequate.

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No
[indoor and outdoor]
Do you propose to construct an addition to the building? ☐ Yes ☒ No
How large will the addition be? N/A square feet.
18. What will the total area occupied by the proposed use be?
10,000 sq. ft. (existing) + 0 sq. ft. (addition if any) = 10,000 sq. ft. (total)
[plus the two acre site]
19. The proposed use is located in: (check one)
☐ a stand alone building
☐ a house located in a residential zone
☐ a warehouse
☐ a shopping center. Please provide name of the center: _____
☐ an office building. Please provide name of the building: _____
☒ other. Please describe: 10,000 sf building and 2 acre paved industrial site.

End of Application

Part 1 - Questions

1. Description of the activities that will occur within the main building on the site. List out the square footage involved of all non-storage activities (such as office) that will occur in that space.

(See Attached)

Office 105 – Reception/secretary – 64 sq. ft.

Office 106 – Yard manager office – 120 sq. ft.

Office 107 – Records/Safe room – 120 sq. ft.

Office 109 – Scale Operator/Cashier Room – 480 sq. ft.

Office 102 – meeting/Training room – 490 sq. ft.

These are the only office requirements we have for this building.

2. What is the total number of bailers that will be used at this site? Please breakdown what each bailer would be used for (ferrous vs. non-ferrous, etc.).

Inside warehouse – 1 down-stroke bailer to condense aluminum and copper scrap

Inside warehouse – 1 aluminum can briquette (baler) condenser

Outside – 1 Compactor/Logger to condense light iron into bales for shipment

3. Will the existing gas pumps and tanks be removed from the site?

Fuel tanks and pumps – No decision has been made whether to utilize these pumps.

If we decide to remove them in the future, a separate permit will be applied for under the conditions required for such removal.

4. Can you confirm that you'll need to install a new scale at the site? I don't believe one is already there.

1 truck scale (70') will be installed outside as everything we buy is based on weight.

5. Will you accept household recyclables that are metal, such as soda cans?

All scrap metals will be accepted, including aluminum cans, after inspection for hazardous, flammable, non-metal attachments and non-acceptable items which will be rejected.

6. What is the maximum total amount, in tons, of material that you would accept at the facility on: a) the busiest day and b) on an average day?

It is next to impossible to estimate what a 'busiest day' scenario is as it can depend on weather and/or traffic conditions. At the beginning, possible 7 tons/day.

Estimates for monthly tonnage is hopefully 250 tons, once we get established.

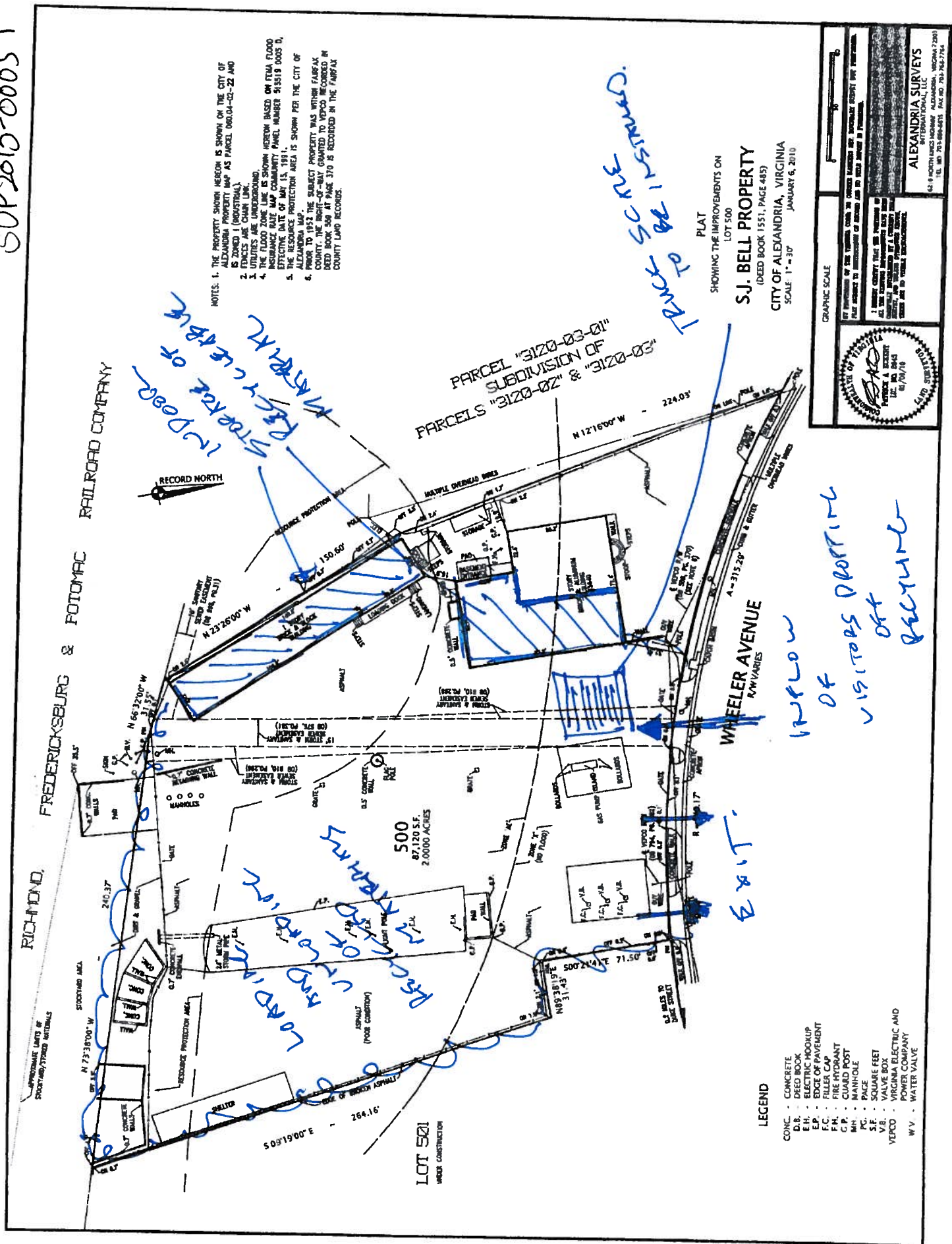
7. Do you expect to have tractor trailer trucks dropping-off material at the site in addition to the pick-ups, stake body, and flatbed trucks you've already mentioned?

Tractor trailer deliveries at this site are discouraged as we would encourage these customers to go direct to our main processing plant in Capitol Heights for better payment. An occasional tractor trailer can be accommodated but is not expected.

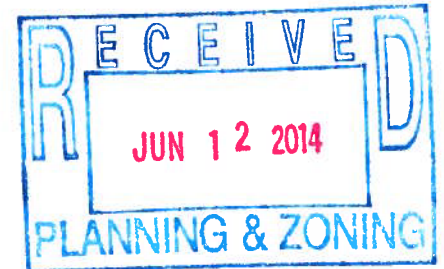
Part 2 – Application Materials – Will be supplied promptly.

- A. The “ownership and disclosure statement” is missing from the application. You'll need to fill out the document at the following link, which requires information for both the property owner and applicant (<http://www.alexandriava.gov/uploadedFiles/planning/info/forms/Special%20Use%20Permit%20Application%20Package%202.pdf>). Note that we need to know the individuals who own more than 10% of Wheeler Ave Recycling LLC (applicant) and JBJ LLC / Flippo Construction (property owner). If the owner of either of those companies is also a company, you'll need to keep going back until you can name all of the individual people who own more than 10%.
- B. Similarly, Question #2 in the application asks for the individual people who own more than 10% of Wheeler Ave Recycling LLC.
- C. We strongly recommend that you update your application materials generally, especially Question #3, to reflect some, if not all, of the additional information and detail that you've shared with us via email and in meetings.

SUP2013-00059



**WHEELER AVENUE RECYCLING, LLC
SUPPLEMENT TO APPLICATION FOR
SPECIAL USE PERMIT**



SPECIAL USE PERMIT #: 2013-00059

PROPERTY LOCATION: 3640 Wheeler Avenue

TAX MAP REFERENCE: 060.04-02-22

Wheeler Avenue Recycling, LLC hereby Supplements its Application for Special Use Permit #2013-00059 as set forth below. Each answer not specifically supplemented herein remains the same as stated in the Special Use Permit Application.

1. The modified plot/site plan is attached hereto as Exhibit A.
2. State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

R. Paul Smith
2001 Kenilworth Avenue
Capitol Heights, MD 20743

If property owner of applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license in the City of Alexandria, Virginia?

Yes. Wheeler Avenue Recycling, LLC is represented by Robert B. Nealon, Esq. of Nealon & Associates, P.C. A copy of the business license for Nealon & Associates, P.C. is attached hereto as Exhibit B.

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity.

The response to Wheeler Avenue Recycling, LLC is supplemented as follows:

The site shall be used to receive, bale or box and haul away ferrous (magnetic) metals, non-ferrous metals, old autos, trucks and equipment. All ferrous (magnetic) materials will be received at a pile location designated on the revised site plan. This location has been relocated out of the Resource Protection Area.

Light iron and sheet metal, including automobiles will be compacted into bales by a compactor on site for transportation to the main processing location in Capitol Heights, Maryland. All ferrous metals collected at the site will be transported off site expeditiously as soon as tonnage for a truck transport load is achieved. There is no benefit to 'store' or 'sit' on materials as a contract price for the sale of those materials is set each month and must be processed and resold to realized predetermined profit margins. Therefore, Wheeler Avenue Recycling, LLC has a economic incentive to process and transport all materials in an expeditious manner.

Nonferrous metals (non-magnetic) such as copper, brass, aluminum, stainless steel, zinc, lead, etc. will be collected at the main building as shown on the revised plan. Wheeler Avenue Recycling, LLC will also buy lead-acid, rechargeable batteries (i.e. car batteries) for the recycling of the lead content.

All materials will be weighed, sorted and stored inside the main warehouse. Again, when Wheeler Avenue Recycling, LLC has a tractor trailer load of combined, prepared materials, they will be shipped out to the main processing plant in Capitol Heights, Maryland for preparation for sale to appropriate re-melt mills for the individual products.

Wheeler Avenue Recycling, LLC does not accept hazardous waste, radioactive materials, medical waste, explosives, Freon, PCB's, trash, household, commercial or industrial chemicals, liquid filled transformers, steel cable, propane/acetylene/oxygen tanks, asbestos, paint, tar pots, loose tires, mercury, leaded glass, shopping carts, safes, televisions, wood, cement, fuels or ink.

Wheeler Avenue Recycling, LLC does also not accept any item of which the majority of weight is constituted of glass, plastic or non-metals. All 55 gallon drums must be open and clean. Larger tanks must be drained and dry with a 15" square cut open for inspection. Any gas or diesel tank must be removed or split open and completely dry.

Wheeler Avenue Recycling, LLC will not accept the following items from non-government entities: aluminum bleachers, beer kegs, brass or bronze cemetery ornaments, street signs, light poles, manhole covers, tree grates, guard rail, traffic signals, railroad material, cement forms, aluminum scaffolding, or any other material commonly associated with public utilities or contractors without proper written authorization.

Wheeler Avenue Recycling, LLC would ideally have 30 to 40 transactions per day at the beginning of operations between both ferrous and nonferrous customers. This would equate to 40 inbound truck trips. Half would be expected to enter and travel to the ferrous scale (which has been relocated to the eastern property edge to accommodate more truck traffic), and half would go directly to the nonferrous warehouse on the western side of the property. Ultimately, Wheeler Avenue Recycling, LLC would anticipate approximately 130 inbound trips per day which would equate to the traffic we experience at the Smith Industries, Inc. Woodbridge location which has been in business for four years. It is anticipated that one loaded tractor trailer

per day would be outbound to the main processing plant. The site/traffic plan has been revised so that the traffic flow pattern would be able to handle up to 40 combined ferrous and nonferrous customers per hour without any fear of traffic backing out onto the road.

Additionally, the revised plan, attached hereto, reflects the removal of the old salt spreader shed located along the eastern boundary. This removal was requested by the Alexandria Police Chief. Wheeler Avenue Recycling, LLC also plans to cap the drain pipe leaving the southern edge of the ferrous pad to force all water down to the storm water pollution protection improvements. A Storm Water Pollution Protection Plan for this site will be prepared to the specifications as required by the Virginia Department of Environmental Protection. The design and function of the facility have exceeded the requirements set by DEQ at every other Virginia sites operated by Smith Industries, Inc., including the bi-annual water sampling results.

The Alexandria Police Chief also reviewed our documentation of transactions on site. For each transaction, a copy of a valid driver's license is obtained along with the make, model and tag number of the vehicle; the type of product; date, time, weight and amount paid for each product type; a digital image of the product, the seller and the vehicle in a digital video of the transaction which is stored for 45 days. If the police wish to research a potential metal theft, we can search by seller's name, type of product, or date(s) of purchase and produce the matching information. A copy of a letter from the Delaware State Police detailing how this process helped them in prosecuting metal thefts with our Delaware yard is attached hereto as Exhibit C. In addition, a letter from Maryland State Police commending us on our cooperation in establishing metal theft prevention is also attached hereto as Exhibit D.

Sight tight slats in the chain link fence will be provided along the Wheeler Avenue frontage. A picture of the type of slats to be used is attached hereto as Exhibit E.

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour or shift).

Wheeler Avenue Recycling, LLC would initially expect 30-40 users per day with an anticipated maximum of approximately 130. The users would be expected during the course of normal business hours listed in the response to question 6.

7. Please describe any potential noise emanating from the proposed use.

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

A time weighted, noise study (attached) was conducted at the Smith Industries, Inc. Woodbridge operation evidences that all noise created from mechanical equipment and patrons

would be within the parameters of the 70 db limits required for this site and certainly below measured levels from the freight trains that pass to the rear of the property or heavy trucks passing along. A copy of the Occupational Noise Report for the Woodbridge operation is attached hereto as Exhibit F.

B. How will the noise be controlled.

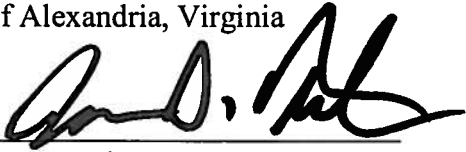
The revised site plan, attached hereto, shows the new location for the ferrous materials pile. The eastern edge of that pile includes an extensive tree planting schedule which would not only provide some visual barrier but more importantly absorb much of the sound from the activity on the ferrous pad. In addition, an 8' high concrete sound barrier has been added to the north end of the pad to block noise traveling toward the entrance. Wheeler Avenue Recycling, LLC will comply with all noise ordinances and regulations.

ADDITIONAL FACTS FOR CONSIDERATION

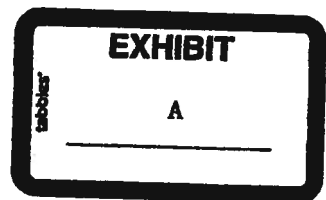
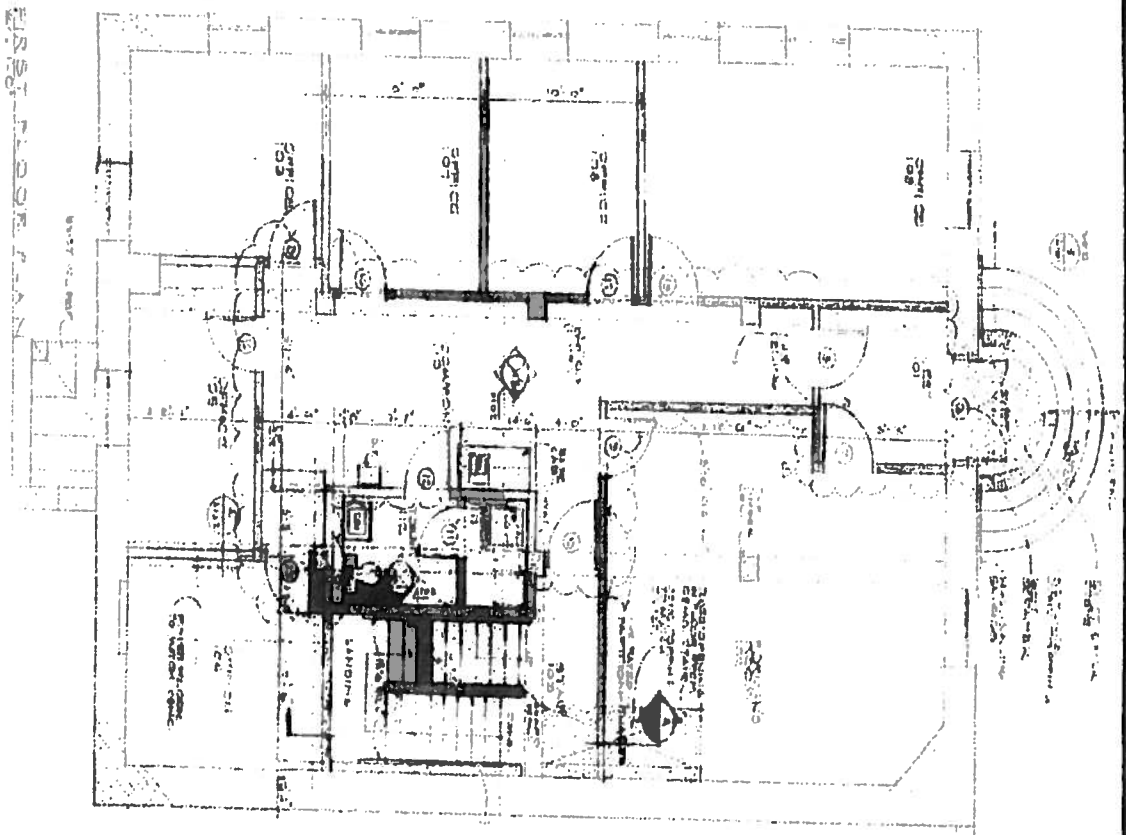
Wheeler Avenue Recycling, LLC strongly encourages the Planning Commission and the City Council to take into consideration the following factors, which weigh heavily in favor of approving the Special Use Permit Application.

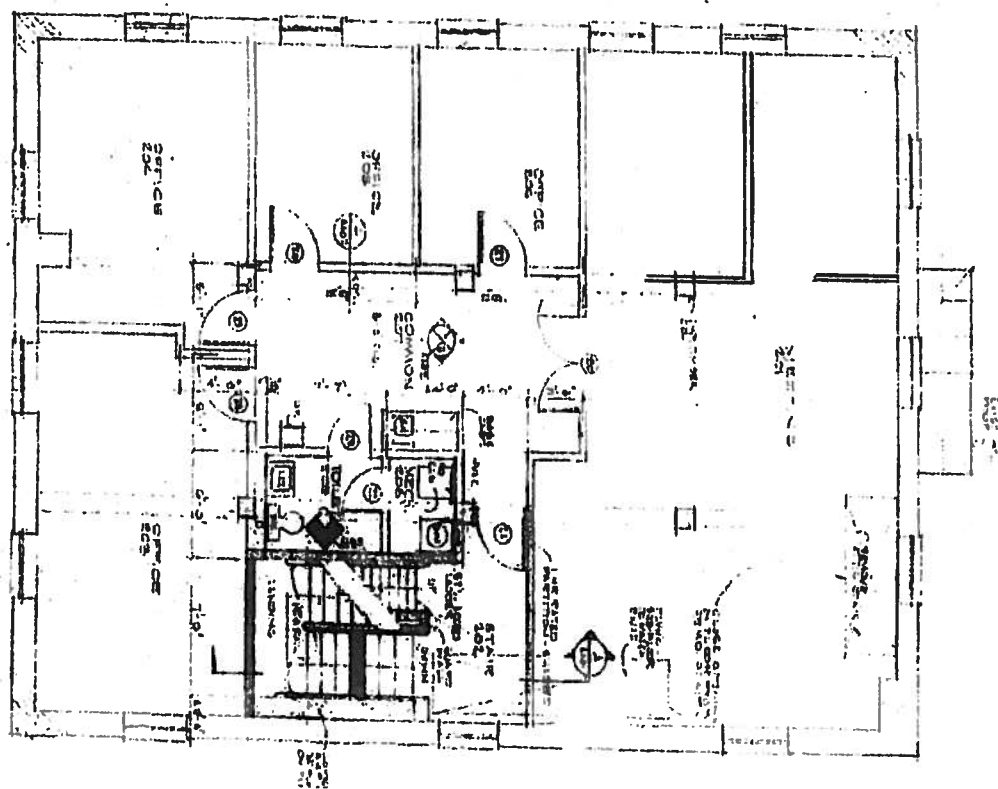
1. The proposed facility is a recycling technology using state of the art technologies.
2. Green Business / environmentally friendly / it is a government best practice
3. Clean and efficient facility which will reduce metal debris and from the solid waste stream in the City.
4. It will create local jobs at the facility to conduct operations.
5. It will create local small businesses and full time jobs in the City for the individuals that collect the material to be recycled.
6. It will accomplish an essential need for recycling metal materials in the City.
7. It will assist law enforcement with data collection for delivering parties.
8. It will create significant tax revenues for the City.
9. The City can apply for tax credits, grants, recycle credits and other governmental benefits for this facility.
10. This is not a storage yard or junkyard, all materials are quickly moved on and off premises due to financial incentives.

The Undersigned hereby attests that all of the information herein provided and specifically, including all surveys, drawings, etc. required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the application unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to revisions, pursuant to Article XI, Section 11-207(A)(1)) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia

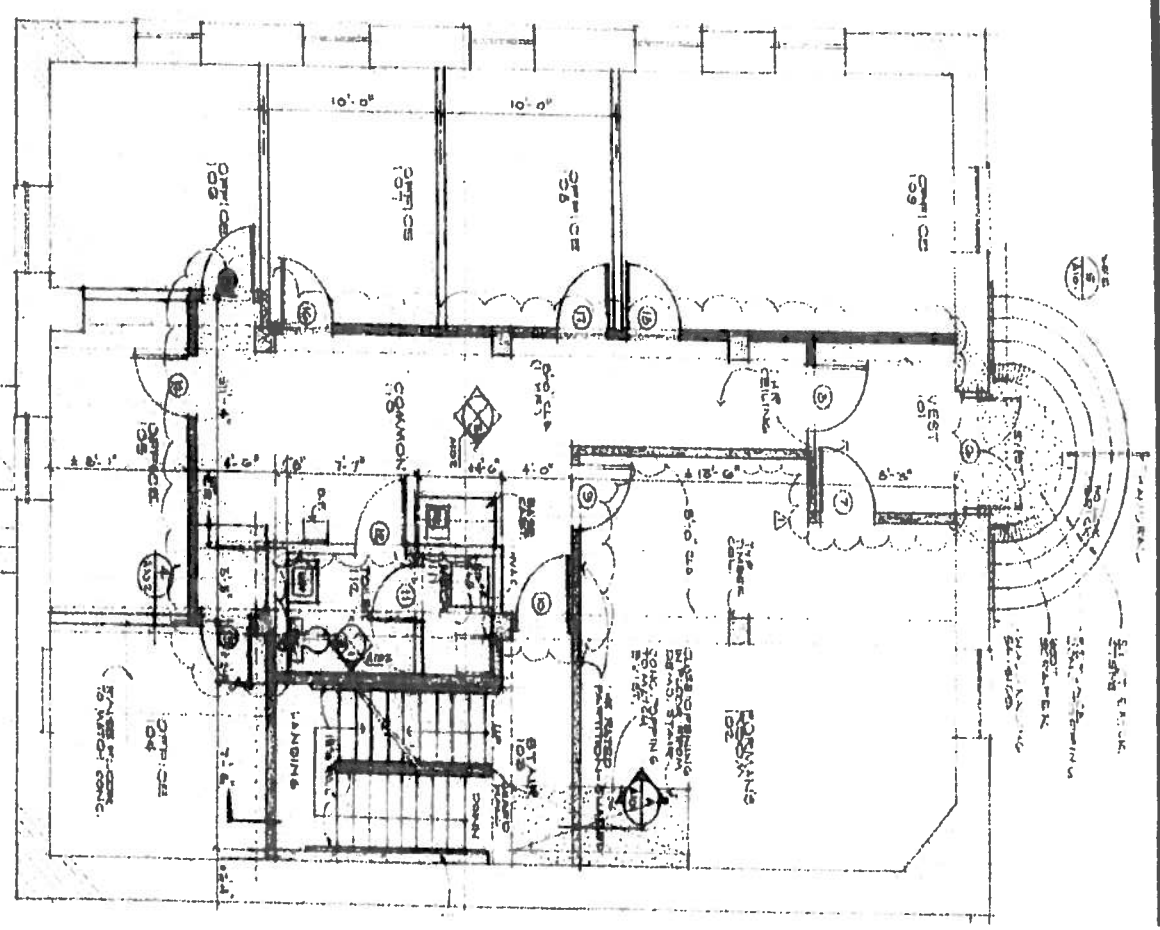


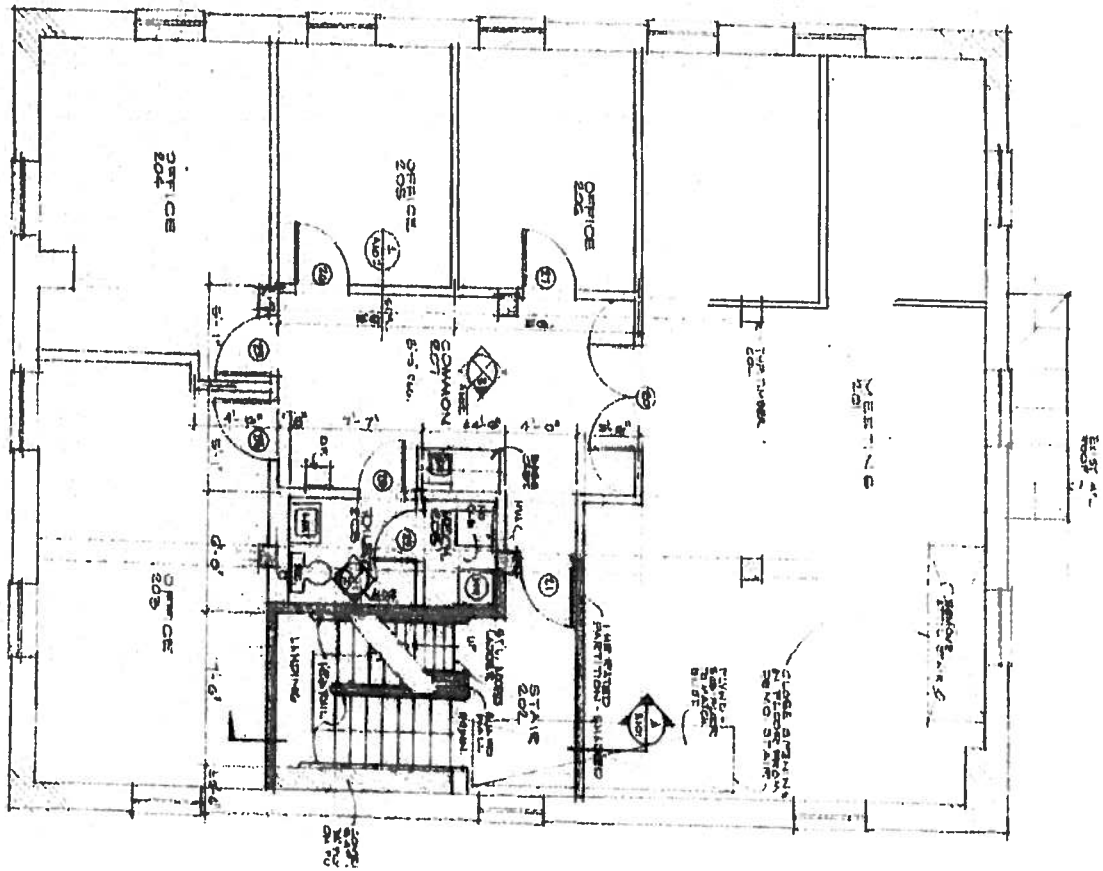
Robert B. Nealon, Esq.
NEALON & ASSOCIATES, P.C.
119 North Henry Street
Alexandria, Virginia 22314
Phone: (703) 684-5755
Fax: (703) 684-0153
Email: rbnealon@nealon,.com
Counsel for Wheeler Avenue Recycling, LLC





FIRST FLOOR PLAN





Keep this letter for your records.

City of Alexandria Business License

Revenue Administration Division, City of Alexandria, 301 King Street, Room 1700, Alexandria, VA 22314

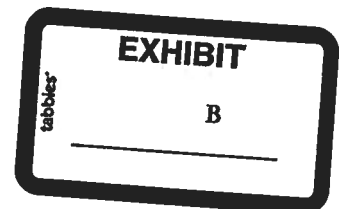


License Number: 113421-2014
Account Number: 113421
Tax Period: 2014
Business Name: NEALON & ASSOCIATES, PC
Trade Name: NEALON & ASSOCIATES, P.C.
Business Location: 119 N HENRY ST
Alexandria, VA 22314

This license has been issued by the Revenue
Administration Division of the City of Alexandria and
is granted to:

NEALON & ASSOCIATES, PC
119 N HENRY ST
Alexandria, VA 22314

License Classification(s): Professional Occupations/Businesses
9-071-007
Attorney-At-Law





*State of Delaware
Department of Safety and Homeland Security
Division of State Police
P.O. Box 430
Dover, Delaware 19903*

I am Detective Di Giacomo of the Delaware State Police Troop 3 Property Crimes Unit. Over the past several months I investigated residential burglaries to houses under construction where thousands of dollars' worth of copper wire was removed from the structures in the Smyrna area of Kent County Delaware. Witnesses provided information that a small white pick-up truck was observed leaving developments under construction. Through further investigation and assistance from Dover Scrap Metal I was able to obtain suspect information. The suspect was subsequently apprehended for his involvement for the burglaries.

More recently I was involved with the investigation in a string of burglaries to sheds and thefts from properties in the Hartly area of Kent County Delaware. I obtained suspect and vehicle information for those incidents. The vehicle in question was a blue Ford Windstar and the occupants of the vehicle were known drug addicts and thieves. Surveillance was set up in an attempt to locate the vehicle that yielded negative results. Dover Scrap Metal provided pertinent information and advised me when the vehicle was on the premise. The suspects were taken into custody without incident while they were attempting to sell scrap metal to their yard.

With the cooperation and assistance from Dover Scrap Metal employees, several suspects have been apprehended. The apprehensions also led to crime reduction in the area. Their assistance is greatly appreciated and does not go unnoticed.

Respectfully,
Det. Di Giacomo
Troop 3 DSP Property Crimes

EXHIBIT

C



MARTIN O'MALLEY
GOVERNOR

ANTHONY G. BROWN
LT GOVERNOR

STATE OF MARYLAND
MARYLAND STATE POLICE
1201 REISTERSTOWN ROAD
PIKESVILLE, MARYLAND 21208-3899
410-486-3101
TOLL FREE: 1-800-525-5555
TTY: 410-486-0677



COLONEL
TERRENCE B. SHERIDAN
SUPERINTENDENT

December 15, 2010

Mr. Paul Tharp
C/O Smith Industries, Inc.
2001 Kenilworth Ave
Capital Heights, Md. 20743

Dear Mr. Tharp:

The purpose of this letter is to convey my thanks to you and Smith Industries for your cooperation in helping the Maryland Department of State Police implement the statewide electronic reporting of junk and scrap metal transactions as required by law. Your assistance was greatly appreciated in the development of the tools made available for use by law enforcement and the industry to combat metal thefts in the state of Maryland.

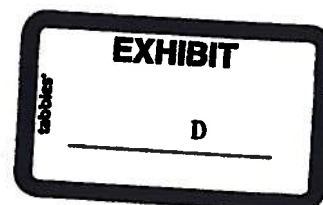
The Maryland Department of State Police in partnership with local law enforcement is responsible for the implementation of Senate Bill 99, Junk Dealers and Scrap Metal Processors - Required Records, passed by the 2010 Maryland General Assembly. The law requires electronic reporting of junk and scrap metal transactions to the primary law enforcement agency in a particular county or municipality. As this area of law was new to the Department, we relied upon industry experts such as you to help us with the development of the electronic reporting website. Your particular expertise was valuable in determining the classification and sub-classification of the various items bought and traded by your industry. These descriptions were necessary for accurate reporting. You and your partners attended all the training provided by the Department and reinforced to other industry dealers who attended the importance of reporting compliance.

Thank you again for your service and cooperation.

Sincerely,

Thomas Williams
Director, Planning and Research Division

"Maryland's Finest"





SMITH

ITEMS WE CAN **NOT** ACCEPT FROM NON-GOVERNMENT ENTITIES

Aluminum Beams, Bars, Nuts
Blanks or Bricks, Concrete, Gravel
Street Signs, Light Poles, Manhole Covers
Tree Grates, Guard Rail, Traffic Signals
Railroad Material, Cement Forms, Aluminum Scaffolding
Or Any Materials Commonly Associated With
Public Utilities or Contractors
Without Proper, Written Authorization

HANDLING VIDEO SURVEILLANCE

**NO DISMANTLING
OR PREPARATION
OF MATERIAL
ON SITE!**

EXHIBIT

tabbies

E

Occupational Noise Report- JSS Woodbridge Metals

Procedure

Date of Survey: 2/28/2014 **Time of Survey:** 8:00 AM- 11:30 AM

Location of Survey: 1041 Cannons Court Woodbridge, VA 22192

Description of Operations: Woodbridge Metal Scrap Yard

Type of Survey: Noise Level Measurements- Using Direct Reading Meters & Audio Dosimeters

Department/Areas sampled: Four Areas Surrounding Material Handler (Crane) & Baler

The operation involves the collection of various sizes and shapes of metal objects brought into the facility by customers and then an employee stacking it into one large pile using a crane type device called a material handler. Using a large claw of the material handler, metal is picked up via a giant claw and then transferred to a large open top vessel, called a baler. After about 3-4 scoops, a door metal canopy swings over the top of the baler, locks into place and then a large piston pushes in from one side, compressing the metal into a mid-size cube. The cube is then hoisted out of the baler and stacked to one side of the pile of scrap

Number of employees sampled: Area Samples Only



Baler-left, Material Handler-Center, Scrap Pile-Right

Evaluation: The primary noise source emanating from this operation was the large compressor motor powering the baler when it is in the metal compressing mode. Lower noise levels were emanating from the: (1) baler compressor in the idle mode, (2) metal being moved and piled by the material handler, and (3) the noise of the metal (itself) being compressed in the baler.

Results

See Exhibit A Below

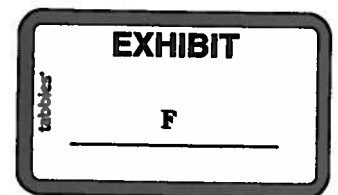
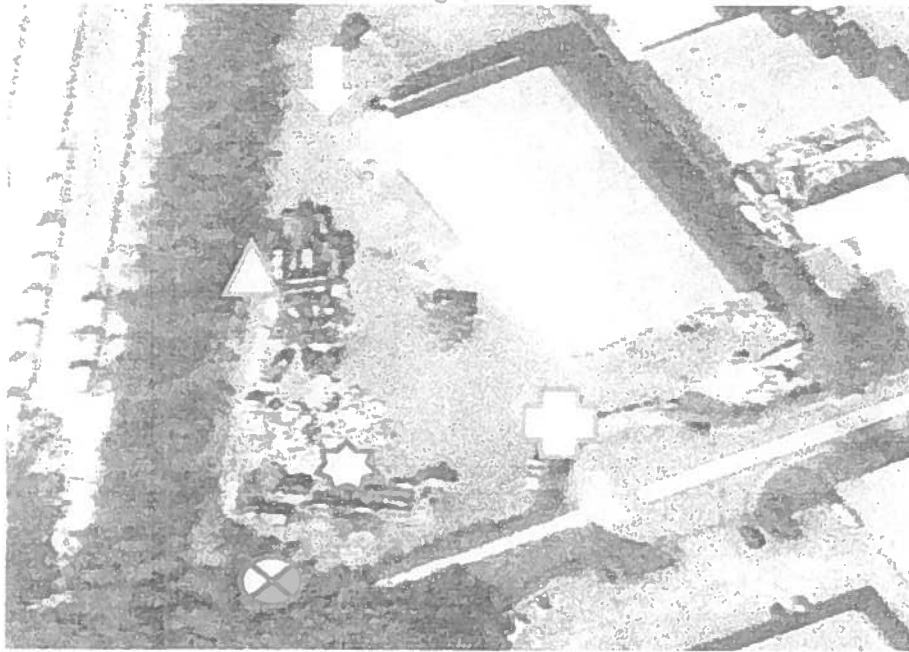






Exhibit A
JSS Woodbridge Metal Recycling
1041 Cannons Court
Woodbridge, VA 22192



Symbol	Location of Dosimeter	Distance from L H & Baler	Description	Decibel Range dbA	Dosimeter #	Lavg dbA*	% Daily Dose*
	North Side	150 ft.	Hanging on Entrance Warning Sign	60-78	1466	65	1.4%
	South Side	60 ft.	Hanging on Property Perimeter Chain Link Fence	68-83	1457	68	2.8%
	West Side	80 ft.	Placed on Rock on Lot Perimeter	62- 82	0004	66	1.9%
	East Side	70 ft.	Hanging on Property Perimeter Chain Link Fence	63- 82	1460	68	2.5%

The results shown above are well below allowable noise occupational noise threshold level of 90dbA- 100% or 85 dbA – 50 %. (All of the percentage doses were under 3%). However, it should be noted that the noise evaluation conducted on this day was done for only approximately 3.5 hours, which is about ½ of the work shift. However, assuming the afternoon shift replicates the morning shift in terms of noise prorogation, the extrapolated percentage dose for “eight hour day” could be logically “doubled” for each dosimeter (e.g. 2 times 2.8 = 5.6) and still be well below the daily threshold value of 100%. (In computing this new 8 hour exposure, there is no need for the decibel levels to be doubled, due to the time-weighted nature of the instrumentation).

However, another factor in the overall noise evaluation would be the fact that the daily production (according to the manager and material handler operator) was believed to be only 25 metal bales on this day. The maximum bale production capacity at this facility (again according to the operator and manager on site) is 100 bales per work shift; hence, today's operation is only believed to be 25%. To get a true “worst case scenario, a noise evaluation would have to be conducted when the facility is operating at maximum capacity.

Recommendations

Since the occupational exposure level is well under 85dbA (50%) and 90dbA (100%), a hearing conservation program is not necessary at this time. However, it should be noted that these results may or may be acceptable from any environmental or regulatory agency standards that may exist in this particular jurisdiction.

Evaluation Method

All noise dosimeter measurements were taken with noise dosimeters and sound level meters in current calibration. Dosimeters were placed in the various perimeter areas of the property. The noise survey ran for approximately 3.5 hours, thus requiring mathematical extrapolation to get an 8 hour exposure level, excluding lunch. Weather was sunny but unseasonably cold at 28 degrees F.

Noise Standard Information

The Occupational safety and Health Standards include standards for the noise levels that exist within the workplace. The standard includes the noise levels for which an employee can be exposed, Threshold Limit Values (TLV) and **Permissible Exposure Limits (PEL), during work hours.** Threshold Limit Values (TLV) as adopted by the American Conference of Governmental Industrial Hygienist (ACGIH) and the Permissible Exposure Limits (PEL) as prescribed by Occupational Safety and Health Administration (OSHA)—1910.95 or 1926.52. Both standards refer to “conditions under which it believed that nearly all workers may repeatedly be exposed day after day without adverse health effects.” The TLV or PEL for workplace exposure to noise is based on two factors: (1) the sound intensity level, as measured in decibels—“A” scale, and (2) the time in one is exposed—measured in minutes. From these two factors a “time-weighted average” (TWA) standard is derived. Hence the **TLV-TWA (standard) for continuous* (or steady state) noise is 90 dbA (or 100% on the dosimeter).** Readings that reach 85% (50% of total allowable dose) are required by OSHA to adopt a Hearing Conservation Program* TLV- TWA's are based for a 40 hour week, 8 hours per day, 50 weeks per year exposure.

Definitions

8722 Loch Raven Boulevard • Towson, Maryland • 21286-2235 • (410) 494-2000 • 1-800-264-4943 • www.ceiwc.com

This information and any noted recommendations are advisory only. Chesapeake Employers' Insurance Company and the Injured Workers' Insurance Fund assume no liability for identification or correction of conditions or hazards as the safety and health of employees remain the employer's responsibility. Not all foreseeable hazards or conditions in need of correction, and not all possible controls to address them, may be listed. Use of all or part of this safety information does not relieve employers of their responsibility to comply with all current and applicable local, state and/or federal laws, regulations, and codes. While the information herein is believed to be current as of the date published, the reader should rely upon the most current standards as laws, codes and regulations are updated frequently.

dBA – is measure of sound level in decibels read on the A-scale. The A-scale most closely simulates the response of the human ear by selectively filtering out very low frequency sound.

dB – A non-dimensional unit to express sound pressure levels. It is the log of the ratio of the measured sound pressure level to a reference level.

Noise Criterion Level (NCL) – The constant sound level in db that, if applied for 8 hours, would accumulate a DOSE of 100%.

Exchange Rate (ER) – The number of decibels that a sound must change to either half or double the rate of dose accumulation.

DOSE – A percentage of the maximum allowable noise that a worker can be exposed to per day. This is a computation that is based on the following variables: Criterion Level (CL), Lower Threshold (LT) and Exchange Rate (ER).

Exposure Limits OSHA set the following permissible exposure limits (PEL) for noise:

Action Limit: **8-hour time-weighted-average (TWA) exposure of 85 dBA.** Once the action limit is reached, a fully implemented Hearing Conservation Program must be in place (see Conclusion).

PEL 8-hour time-weighted-average (TWA) of 90 dBA. (Mandatory hearing protection use required)

Control Strategies- When employees are subjected to sound levels exceeding those described above, **feasible administrative (i.e. job rotation) or engineering controls (i.e. shielding/enclosure*)** should be utilized in an attempt to reduce noise levels "reaching the employee). If such controls are not feasible, or fail to reduce sound levels to below the PEL, personal protective equipment in the form of hearing protectors shall be provided and used to reduce absorbed sound dose below the PEL. *

Examples of the OSHA PEL Allowable Times at given Sound Levels: Noise "dose" is a function based on amplitude (loudness) **and total minutes of exposure**. Hence, the louder the "noise", the less amount of time is permitted.

dBA Sound Level	Allowable Time t_n
80	32 hours
85	16 hours
90	8 hours
95	4 hours
100	2 hours
105	1 hour
110	1/2 hour
115	1/4 hour

Noise Survey Equipment

This study made use of "Quest Noise Pro DLX Dosimeters". A set of five dosimeters was used during the study. Each dosimeter was numbered in the table above as a form of identification. Noise Dosimeters and Unit Calibrator was factory calibrated on 12/13/2012

Each dosimeter was calibrated prior to and following each use using a "Quest Technologies, QC 10 Calibrator", 114dB – 1000Hz. The actual calibrating device was factory calibrated on 12/13/2012

Grab sample sound readings were monitored by a sound level meter were obtained using a "Quest 210 Sound Level Meter". The sound level meter was calibrated prior to and following each use using the same "Quest Technologies, QC 10 Calibrator", 114dB – 1000Hz.

Conclusion

The purpose of utilizing noise dosimeters in this study, as opposed to just plain sound level meters, was to electronically compute sound level readings in decibels and integrate these measurements into the time element of noise exposure. This ultimately provides an average noise dose exposure reading for a given time period, such as an 8-hour workday.

There were two strategies involved in the noise exposure dosimeter assessment of your workplace: area and /or personal monitoring approach (optional in this case)

This noise study was performed to evaluate the average noise exposure during a normal work shift (partial day in this case). The results were for this day and this day only. Different reading on any future days may differ. This of course would differ, depending on the number bales produced, type and size of metal being pulverized, hours of actually operating the baler, mechanical breakdown time, etc. In summary, no two days of potential noise exposure are the same and resulting readings would be different.

If there is a change in the operation (e.g. work shift regiment, new and/or more equipment, change in processes, new facility, etc.), running at full production for prolonged period of time, re-evaluation of the workplace should be done.

