

City of Hattiesburg, MS

*200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401*



Meeting Agenda

Monday, November 21, 2011

4:00 PM

Council Chambers

City Council - Appeal Public Hearing

1 [2011-0272](#)

Hold a public hearing for the appeal filed by Eric Lang, P.E. on behalf of Marc Jaffe, Southern Recycling, LLC, owner, to allow a Use Permit Upon Review for a "Junk Yard" in an I-1 (Light Industrial) District, for a certain property located at 101 Mixon Street (Parcel # 19-572-1-4, PPIN 20719, Ward 2); Hattiesburg Planning Commission recommended to DENY on October 5, 2011.

Attachments: [Hold Appeal Public Hearing - 101 Mixon Street](#)
[Statement in Support of Southern Recycling Use Permit](#)
[Southern Recycling photos, Landry and Lewis](#)
[Documents in Opposition, Southern Recycling Use Permit](#)
[Sign-in Sheet, Southern Recycling Public Hearing](#)
[sign-in sheet #2, Southern Recycling Public Hearing](#)

Closed

Appeal Public Hearing - 101 Mixon Street



City of Hattiesburg, MS

200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401

Master

File Number: 2011-0272

File ID: 2011-0272

Type: Regular Agenda Item

Status: Agenda Ready

Version: 1

Reference:

In Control: City Council

Requester: Pattie Brantley

Cost:

File Created: 11/10/2011

Brief Title: Hold Appeal Public Hearing – 101 Mixon Street

Final Action:

Minute Book Number: MB 2011-6/173-176

Title:

Hold a public hearing for the appeal filed by Eric Lang, P.E. on behalf of Marc Jaffe, Southern Recycling, LLC, owner, to allow a Use Permit Upon Review for a "Junk Yard" in an I-1 (Light Industrial) District, for a certain property located at 101 Mixon Street (Parcel # 19-572-1-4, PPIN 20719, Ward 2); Hattiesburg Planning Commission recommended to DENY on October 5, 2011.

Notes:

Agenda Date: 11/21/2011

Agenda Number: 1

Sponsors:

Enactment Date:

Attachments: Hold Appeal Public Hearing - 101 Mixon Street, Statement in Support of Southern Recycling Use Permit, Southern Recycling photos, Landry and Lewis, Documents in Opposition, Southern Recycling Use Permit, Sign-in Sheet, Southern Recycling Public Hearing, sign-in sheet #2, Southern Recycling Public Hearing

Enactment Number:

Contact:

Meeting Date:

Drafter: Anita Bratcher

Effective Date:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	11/10/2011	Lisa Reid	Disapprove	11/14/2011
Notes: change					
1	2	11/10/2011	Lisa Reid	Approve	11/15/2011
1	3	11/14/2011	Pattie Brantley	Approve	11/15/2011
1	4		Chris Carr - FYI	Notified - FYI	
1	5		Bill Rodgers - FYI	Notified - FYI	
1	6		Marilyn Schwandt - FYI	Notified - FYI	
1	7		Kermas Eaton - FYI	Notified - FYI	
1	8		Debbie Bernardo - FYI	Notified - FYI	
1	9		Connie Everett - FYI	Notified - FYI	
1	10		Verlina Underwood - FYI	Notified - FYI	
1	11		Michael Pope - FYI	Notified - FYI	
1	12	11/14/2011	Eddie Myers	Approve	11/16/2011

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council - Appeal Public Hearing	11/21/2011					

Text of Legislative File 2011-0272

Title

Hold a public hearing for the appeal filed by Eric Lang, P.E. on behalf of Marc Jaffe, Southern Recycling, LLC, owner, to allow a Use Permit Upon Review for a "Junk Yard" in an I-1 (Light Industrial) District, for a certain property located at 101 Mixon Street (Parcel # 19-572-1-4, PPIN 20719, Ward 2); Hattiesburg Planning Commission recommended to DENY on October 5, 2011.

Summary

Hold Appeal Public Hearing - 101 Mixon Street

Budget Information

Expenditure Type

Purchasing Item

Publication Information



Send to:
Lisa Reid, Planning Manager
Dept. of Urban Development
P.O. Box 1898
Hattiesburg, MS 39403
601.554.1031 or fax 601.545.1962

REQUEST TO APPEAL PLANNING COMMISSION RECOMMENDATION

Today's Date: October 10, 2011	
Planning Commission Meeting Date: October 5, 2011	
<i>(Appeals must be made within ten consecutive days of the recommendation)</i>	
Name of Property Owner/Petitioner: Southern Recycling LLC	
Name of Person Requesting Appeal Hearing: Marc Jaffe	
Mailing Address of Person Requesting Appeal Hearing: 1000 South Myrick Pensacola, FL 32505	
Address of Petitioned Property: 101 Mixon Street	
Petitioner's Request of the Planning Commission: Use Permit for a Recycling Yard in H-District in order for them to locate a recycling plant at this location	
Planning Commission's Recommendation: <i>Approve ☐ or Deny ☒</i>	

I/We hereby APPEAL the Planning Commission Recommendation for the above referenced petition and request to hold a Public Hearing before the Hattiesburg City Council.

Southern Recycling LLC
Petitioner (signature)

By

Marc Jaffe
Petitioner (signature)

FILED

OCT 13 2011

EDDIE H. MYERS, CITY CLERK
By [Signature]
Deputy Clerk

PUBLIC HEARING

NOTICE is hereby given that a petition has been filed by Eric Lang, P.E. on behalf of Marc Jaffe, Southern Recycling, LLC, owner, with the Mayor and Council of the City of Hattiesburg, Mississippi, as allowed in the Comprehensive Zoning Ordinance No. 2330, as amended, of the City of Hattiesburg, Mississippi, to allow a Use Permit Upon Review for a "Junk Yard" in an I-1(Light Industrial) District, for certain property located at 101 Mixon Street (Parcel # 19-572-1-4, PPIN 20719, Ward 2), said property being more particularly described as follows, to-wit:

ALL OF LOTS 9, 10 & 11 AND THE EAST 11.10 FEET OF LOT 1 OF BLOCK 1 OF THE SUBDIVISION OR ADDITION TO THE CITY OF HATTIESBURG AS PER THE MAP OR PLAT THEREOF ON FILE IN THE OFFICE OF THE CHANCERY CLERK IN THE COURTHOUSE AT HATTIESBURG, FORREST COUNTY, MISSISSIPPI.

After hearing, the Hattiesburg Planning Commission recommend that the petition be DENIED, and Marc Jaffe, being aggrieved with the recommendation, filed a request for hearing before the Mayor and City Council of the City of Hattiesburg, as provided by law.

NOW, THEREFORE, NOTICE IS GIVEN that a public hearing in relation to the petition as hereinabove set forth will be held at 4 P.M., Monday, November 21, 2011 in the City Hall Building, 2nd Floor, City Council Room, 200 Forrest Street, Hattiesburg, Mississippi, at which time and at which said hearing all parties of interest and citizens shall have an opportunity to be heard.

WITNESS my signature and the official seal of said City on this, the 18th day of October, A.D., 2011.

CITY OF HATTIESBURG, MISSISSIPPI

BY: Eddie Myers /s/
CITY CLERK

(SEAL)

Publish (1) Friday, October 28, 2011
City of Hattiesburg
Return PROOF to City Clerk's Office
P.O. Box 1898
Hattiesburg, MS 39403-1898

**MINUTES
OF THE
REGULAR MEETING
OF THE
HATTIESBURG PLANNING COMMISSION**

October 5, 2011

The Hattiesburg Planning Commission did meet in a regular session on **October 5, 2011** at 1:09 p.m. at the Jackie Dole Community Center, 220 West Front Street, Hattiesburg, Mississippi. Richard Conville, Chairman, presiding.

Commissioners Present: Don McCleskey
Robin Roberts
Linda McMurtrey
Richard Conville, Chairman
Joseph White, Vice-Chairman
Jessie Wilson

Commissioners Absent: Annie Pope
Marjorie Chambers
Judy Corts

Also Present: Pattie Brantley, AICP, Director of Urban Development
Lisa J. Reid, Planning Manager
Craig Dearman, Engineering Technician
Krishna C. Bhatt, Land Use Planner
Anita Bratcher, Office Assistant/Rec. Secretary

Richard Conville, Chairman, declared the regular meeting of the Hattiesburg Planning Commission open and in session.

Invocation: Joe White

AGENDA REVIEW

There came the matter of the Agenda for the **October 5, 2011** meeting. The agenda was approved as presented.

Motion made by: Joseph White

Motion seconded by: Robin Roberts

Commissioners voting aye: Don McCleskey
Robin Roberts
Linda McMurtrey
Joseph White
Jessie Wilson

Commissioners voting nay: None

Commissioners abstaining: None

MINUTES REVIEW

There came the matter of the September 7, 2011 minutes. A motion was made to approve the minutes, as amended, to correct Chairman Conville's comment written on the ballot for Item B to read "design in compliance!" – meaning they should design in compliance, not that they did. It was also noted that the Commissioner Chairman's vote comments should not be listed when the vote is not counted unless to break a tie.

There came the matter of Item C, the matter of the petition filed and represented by Eric Lane, P. E., on behalf of Marc Jaffe, Southern Recycling, LLC, to allow a Use Permit Upon Review for a “Junk Yard” in an I-1 (Light Industrial) District for certain property located at 101 Mixon Street (Parcel # 19-572-1-4, PPIN 20719, Ward 2). Discussion began at 2:10 p.m.

	Name	Address	City/State
<u>Presented by:</u>	Marc Jaffe	1000 South Myrick	Pensacola, FL
<u>Proponents:</u>	Allen Flynt	511 S Main	Petal, MS
<u>Opponents:</u>	Patti Mowery	2324 Adeline Street	Hattiesburg, MS
	Bruce Betts	220 Mixon Street	Hattiesburg, MS
	Jim Gladdin	15 Troon Circle	Hattiesburg, MS
	Wayne Dahmer	1150 Monroe Road	Hattiesburg, MS
	Leon Buckley, II	102 Katie Ave, Apt M-73	Hattiesburg, MS
	Rosezellar Hampton	116 Midway Ave	Hattiesburg, MS

Chairman Conville declared the Public Hearing closed at 3:25 p.m. and the Business Meeting open to vote on the request.

Motion made by: Don McCleskey

Motion seconded by: Linda McMurtrey

Commissioners voting aye: Robin Roberts

Commissioners voting nay: Don McCleskey
Joseph White
Linda McMurtrey

Commissioners abstaining: Jessie Wilson

Comments Written on Ballots:

1. Commissioner White stated on his ballot: criteria no met in my view.
2. Commissioner McMurtrey stated on her ballot: hasn't met Requirement B for Use Permit; Questionable whether or not use is actually light industrial and not heavy industrial; Wasn't clear if applicant looked at any I-2 sites.

The Hattiesburg Planning Commission voted to **DENY** Item C.

PLANNING COMMISSION

OCTOBER 5, 2011

ITEM C

PROPERTY ADDRESS:

101 Mixon Street

PETITIONER:

Eric Lang, P.E. on behalf of Marc Jaffe, Southern Recycling, LLC

PARCEL NUMBER: 19-572-1-4

PPIN: 20719

WARD: 2

REQUEST: To allow a Use Permit Upon Review for a "Junk Yard" in an I-1(Light Industrial) District

SPECIAL DISTRICTS:

Flood District: Shaded X—500 Year

Historic District: N/A

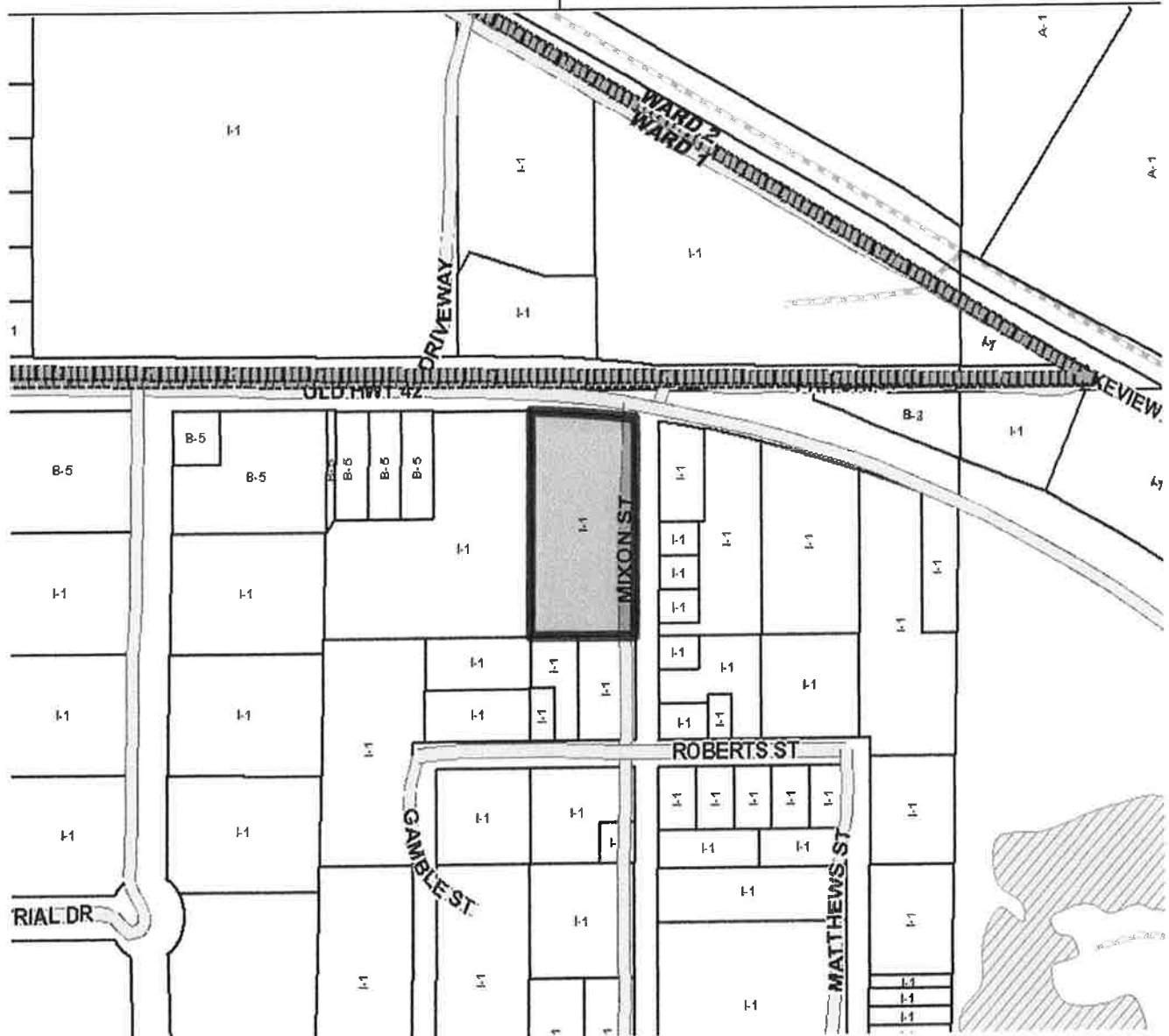
PREVIOUS PLANNING COMMISSION OR BOA ACTION ON SURROUNDING PROPERTY: N/A

SITE PLAN REVIEW COMMITTEE ACTION:

SPRC reviewed on September 3, 2011

PENDING HISTORIC CONSERVATION COMMISSION ACTION:

None.



PROPERTY ADDRESS:

101 Mixon Street

CURRENT ZONING: I-1(Light Industrial)

REQUESTED ACTION:

⇒ To allow a Use Permit Upon Review for a "Junk Yard" in an I-1(Light Industrial) District

APPLICABLE LAND DEVELOPMENT CODE REGULATIONS:

Article 4, Sections 64.03(3)

ADJACENT ZONING AND LAND USES:

NORTH: I-1(Light Industrial) District; Newell Paper Company

SOUTH: I-1(Light Industrial) District; Vacant Lot

EAST: I-1(Light Industrial) District; Habitat for Humanity

WEST: I-1(Light Industrial) District; AAA Ambulance

FUTURE LAND USE MAP DESIGNATION:

The Future Land Use Map depicts this area as a Community Business District. The characteristics of this district include moderate-density single-family residences and certain two-family and multi-family uses; mixed-use buildings and developments; suburban-style, higher-intensity business developments that provide services to the entire community; and less-intensive commercial uses than are found in the Regional Business District.

PHYSICAL SITE CHARACTERISTICS:

⇒ The subject property is located on an improved lot.

STREETS AND TRAFFIC:

The subject property is located along Old Hwy 42 which is a paved, one-lane, two-way highway with moderate to heavy traffic flow.

PARKING AND ACCESS:

The subject parcel can be accessed from Mixon Street and Old Hwy 42.

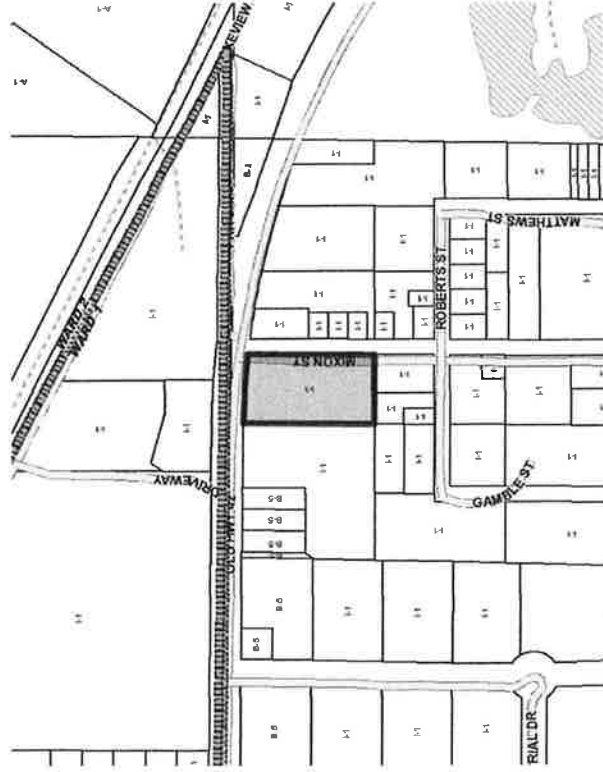
CHARACTER OF THE NEIGHBORHOOD:

The immediate areas surrounding this property are zoned I-1 (Light Industrial) District.

(USE PERMIT) FINDINGS REQUIRED:

- The need to protect the stability, integrity, and character of Hattiesburg's residential neighborhoods.
- The need to preserve and encourage the stability of the Hattiesburg business community.
- The need to reinforce Hattiesburg's quality of life, preserve neighborhood identity, and boost community pride.
- The need to conserve and protect Hattiesburg's physical infrastructure.
- The public need for the proposed use, as opposed to the private interest of an individual.

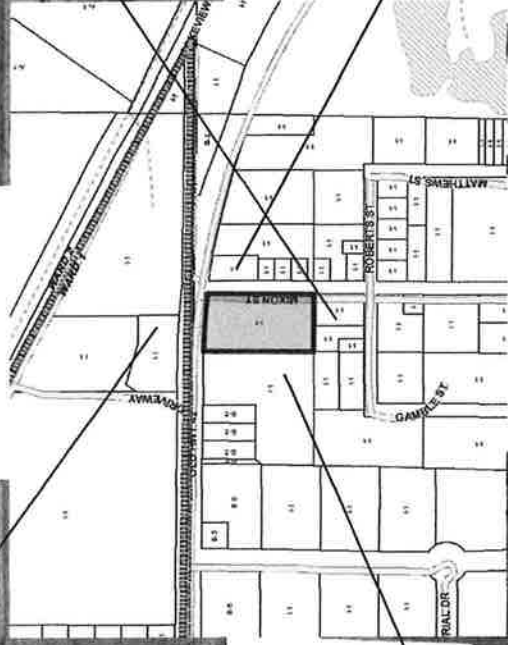
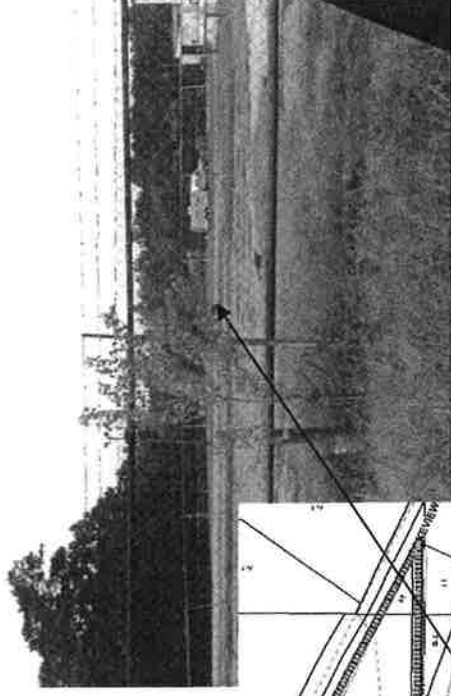
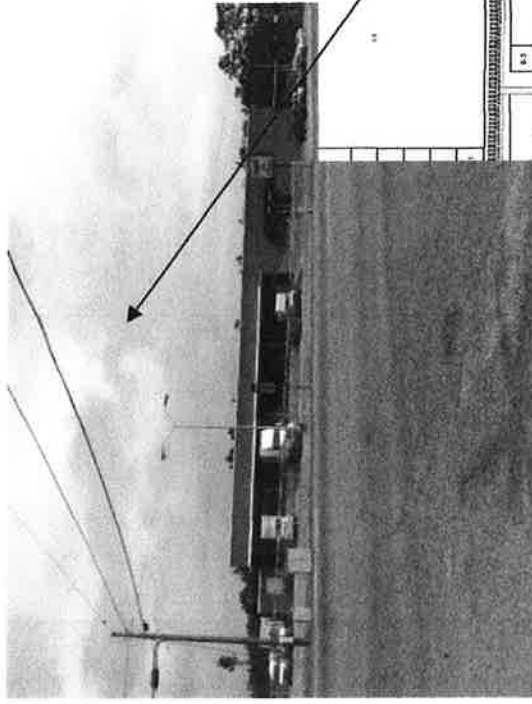
101 Mixon Street



101 Mixon Street

Property to the North: Newell Paper Company

Property to the South: Vacant Lot



Property to the West: AAA Ambulance



Property to the East: Habitat for Humanity



Project No. 8-11-232

09/03/2011

RESUBMITTAL REQUIRED

Southern Recycling

101 Mixon Street

Presented by: Allen Flynt

1. A Use Permit Upon Review will be required for Junk Yard use in this zoning.
2. Require a copy of DEQ/Stormwater Industrial type permit.
3. Require 60 foot hard surface entrance from the property line to keep gravel pulled onto the road.
4. All signs are permitted separately and will have to meet all setbacks and sign ordinance requirements.
5. Remove driveway apron on Mixon Street side. Mixon street entrance will have a gate according to Eric Lang.



Mayor

Johnny L. DuPree, Ph.D.

Council - Ward 1
Kim Bradley

Council - Ward 2
Deborah Denard Delgado

Council - Ward 3
Carter Carroll

Council - Ward 4
Dave J. Ware, II

Council - Ward 5
Henry Naylor

September 19, 2011

Southern Recycling, LLC
Marc Jaffe
1000 S. Myrick
Pensacola, FL 32505

RE: Use Permit Upon Review (Parcel #19-572-1-4, PPIN 20719, Ward 2).

Dear Mr. Jaffe:

Attached is a copy of the Public Notice and other information pertaining to your Public Hearing before the Hattiesburg Planning Commission. You or your representative must attend the hearing on October 5, 2011 at 1:00 PM in the dining room of the Jackie Dole Community Center, 220 West Front Street in Downtown Hattiesburg. If an unavoidable hardship prevents your attending the Public Hearing, please notify us as soon as possible prior to the Public Hearing. The Planning Commission may consider tabling the petition until a later date if you or your representative is unable to attend.

Hattiesburg Planning Commission will make a recommendation to Approve or Deny your petition. City Council will take action on the Planning Commission's recommendation approximately two (2) weeks following the commission hearing. You will receive a letter notifying you of the date and time your petition will be heard by the City Council.

If any party is aggrieved by the recommendation of the Hattiesburg Planning Commission, a Letter of Appeal must be filed with the Planning Division within ten (10) calendar days of the Planning Commission's recommendation. If a Letter of Appeal is filed to hold a public hearing before the City Council, a hearing date will be set (approximately one month later) to allow the aggrieved party to present their case to the City Council.

Thank you for collecting and posting the public notice sign on the above-referenced property. Please be sure the sign is posted for the full 15 days and that the sign is not removed for any reason prior to the hearing. After the conclusion of the hearing, RETURN the sign to the Planning Division on the second floor

Sincerely,

Famika A. Paige
Famika A. Paige
Office Manager
Enclosure

Cc: Lang Engineering, LLC, Eric Lang, 308 Serene Hills, Hattiesburg
Southern Recycling, LLC, 1000 S. Myrick, Pensacola, FL 32505

9902 2086 4892 0000 0470 0000 0470 1702

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage	
Sent To Southern Recycling, LLC Marc Jaffe 1000 S. Myrick Pensacola, FL 32505	
Street, Apt. or PO Box City, State	
Postmark Here	
PS Form 3800	

City of Hattiesburg PO Box 1898 Hattiesburg

C-2

PLEASE PRINT APPLICATION

DATE: 8-29-2011

**HATTIESBURG PLANNING COMMISSION
PUBLIC HEARING APPLICATION
REQUEST FOR USE PERMIT UPON REVIEW**

ADDRESS OF PROPERTY FOR USE PERMIT:

101
Municipal Number

Mixon Street
Street Name

Land Development Code Article No. 4 Section 64.03(3)

City Tax Parcel

Number: ~~4~~ 19-572-1-4

Subdivision Block and Lot Number: T. J. MIXON 9,10,11 & East 11 ft. of lot 1

PPIN 20719

I-1

Deadline for applicant to file petition with City Clerk:

Planning Commission Meeting Date: 8-29-2011 Time: 1 P. M.

City Council Agenda Review Date: _____ Time: 4 P. M.

City Council Meeting Date: _____ Time: 4:30 P. M.

Fee Required: \$200.

Paperwork needed:

- G ☒ Completed application.
- G ☒ Warranty Deed.
- G ☒ Electronic copy of legal description
- G ☒ Site Diagram.
- G ☐ Filing Fee.
- G ☐ Site Plan Review Committee, if needed.
- G ☐ Other documents needed (See Land Use Planner).

For Additional Information:

Kirstin Kettley, Zoning Planner

Urban Development Department - Planning Division.

Phone: 601-545-4591

FAX: 601 - 545-1962

E-Mail: kkettley@hattiesburgms.com

Call for appointments.

FILED
SEP 13 2011

By EDDIE B. MYERS, CITY CLERK
Deputy Clerk

APPLICANT:

Name: Southern Recycling, LLC (Marc Jaffe)

Mailing Address: : 1000 S. Myrick City: Pensacola State: FL Zip: 32505

Telephone (W) 850-432-0977 Telephone (H) 850-916-0618 Cell/Pager 850-232-8581

REPRESENTED BY:

Name: Lang Engineering, LLC (Eric Lang, P.E.)

Mailing Address: 308 Serene Hills City: Hattiesburg State: MS Zip: 39402

Telephone (W) 601-467-7830 Telephone (H) _____ Cell/Pager _____

CURRENT OWNER(S) OF PROPERTY:

Name: Southern Recycling, LLC

Mailing Address: 1000 S. Myrick City: Pensacola State: FL Zip: 32505

Telephone (W) 850-432-0977 Telephone (H) 850-916-0618 Cell/Pager 850-232-8581

1. This property is located on the West side of Mixon Street

North/South/East/West Street Name

and lies between West Roberts and Hwy 42 Bypass.

Street Name Street Name
2. Property data: Zoned I 1
Lot Frontage 212.54 feet
Lot Depth 600 feet
Square Footage/Acres 130,681
Improved or Unimproved? Improved
If improved, number of existing structures? 2
Use of buildings: Residential Commercial Industrial
Physical Characteristics of structure(s) Metal
3. Purpose for Request:
Southern Recycling is seeking a Use Permit for a Recycling Yard in I-1 District in order for them to locate a recycling plant at this location.
4. Are there any Land Use Code violations on file on this property with the City? No
If yes, please explain _____

5. Warranty Deed must be provided.

Note: If the property is not subdivided, attach a complete legal description as shown in the Forrest or Lamar County's Chancery Clerk's Office.

6. PARKING:

Paved parking will be provided for 21 cars, with 0 loading spaces.

7. List goods and merchandise to be sold on the premises. N/A

8. Describe the proposed use of utilities and community facilities?

Will require the use of all standard utilities. A detention pond will be constructed to work in conjunction with an oil/water separator in the treatment of the stormwater runoff in accordance with the MS DEQ regulations.

9. What are the expected number of employees? 8-10

10. Will there be any elevation in the noise level resulting from this proposed use?

If yes, please explain: A portable electric baler will be used

11. Will there be any discharge of air, liquid, or solids? No If yes, please explain:

12. Will there be any additional pedestrian or vehicular traffic generated by the proposed use?

Yes If yes, explain: Approximately 80-100 customers per day

13. ADJACENT PROPERTY ZONING CLASSIFICATION AND CURRENT USE (circle appropriate response{s}):

Property to the NORTH: Zoning Classification I-1
Current use: Residential Commercial Industrial Vacant

Property to the SOUTH: Zoning Classification I-1
Current use: Residential Commercial Industrial Vacant

Property to the EAST: Zoning Classification I-1
Current use: Residential Commercial Industrial Vacant

Property to the WEST: Zoning Classification I-1
Current use: Residential Commercial Industrial Vacant
32% 68%

14. BUFFER REQUIREMENTS (If Needed) A landscaped buffer/open space along and between adjacent properties will be provided as follows:

NORTH N/A

SOUTH N/A

EAST N/A

WEST N/A

15. Is the property in a Historic District? No

16. Is the property in a Flood District? X Panel 102 of 300 Map 28035C0102D

17. Is the property in a Overlay District? No

18. One of the following conditions must be met before a Use Permit Upon Review can be recommended. Check the condition(s) most applicable to your request and explain in writing.

- A. The need to protect the stability, integrity, and character of Hattiesburg's residential neighborhoods.
- ☒ B. The need to preserve and encourage the stability of the Hattiesburg business community.
- C. The need to reinforce Hattiesburg's quality of life, preserve neighborhood identity, and boost community pride.
- D. The need to conserve and protect Hattiesburg's physical infrastructure.
- E. The public need for the proposed use, as opposed to the private interest of an individual.

Detailed explanation of condition(s) most applicable to your request: (Refer to question #13. Please print or type.)

With the introduction of a new business to the area, new jobs will be created. These new jobs will have a direct economic impact on the residents of Hattiesburg. The existing businesses will also benefit from the goods and services needed to support the business. The local residents will be provided an alternate outlet for recyclable materials and the revenue generated will most likely be pumped back into the local economy.

(The remainder of this page left blank intentionally)

WITNESS THE SIGNATURES of the OWNER(S) of the subject property located at

101 Mixon Street Hattiesburg MS
Street Address City State
on this the 29th day of August, 2011.

In the matter of this Use Permit On Review for Junk Yard request, the
Proposed Use
property owner further authorizes the following named person to represent property owner at the
public hearing on this petition Marc Jaffe on this the 29th day of
August, 2011.

Marc Jaffe
Property Owner

Property Owner

STATE OF Florida

COUNTY OF Escambia

PERSONALLY came and appeared before me the within named,

Marc Jaffe

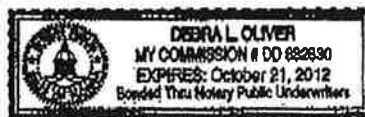
attest that He signed and delivered the above and foregoing instrument as and for their free act
and deed on the day and year therein mentioned, and who acknowledges to me that they are the
owners of the property described in the foregoing Petition for a Use Permit Upon Review.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 31 day of
August, A.D., 2011.

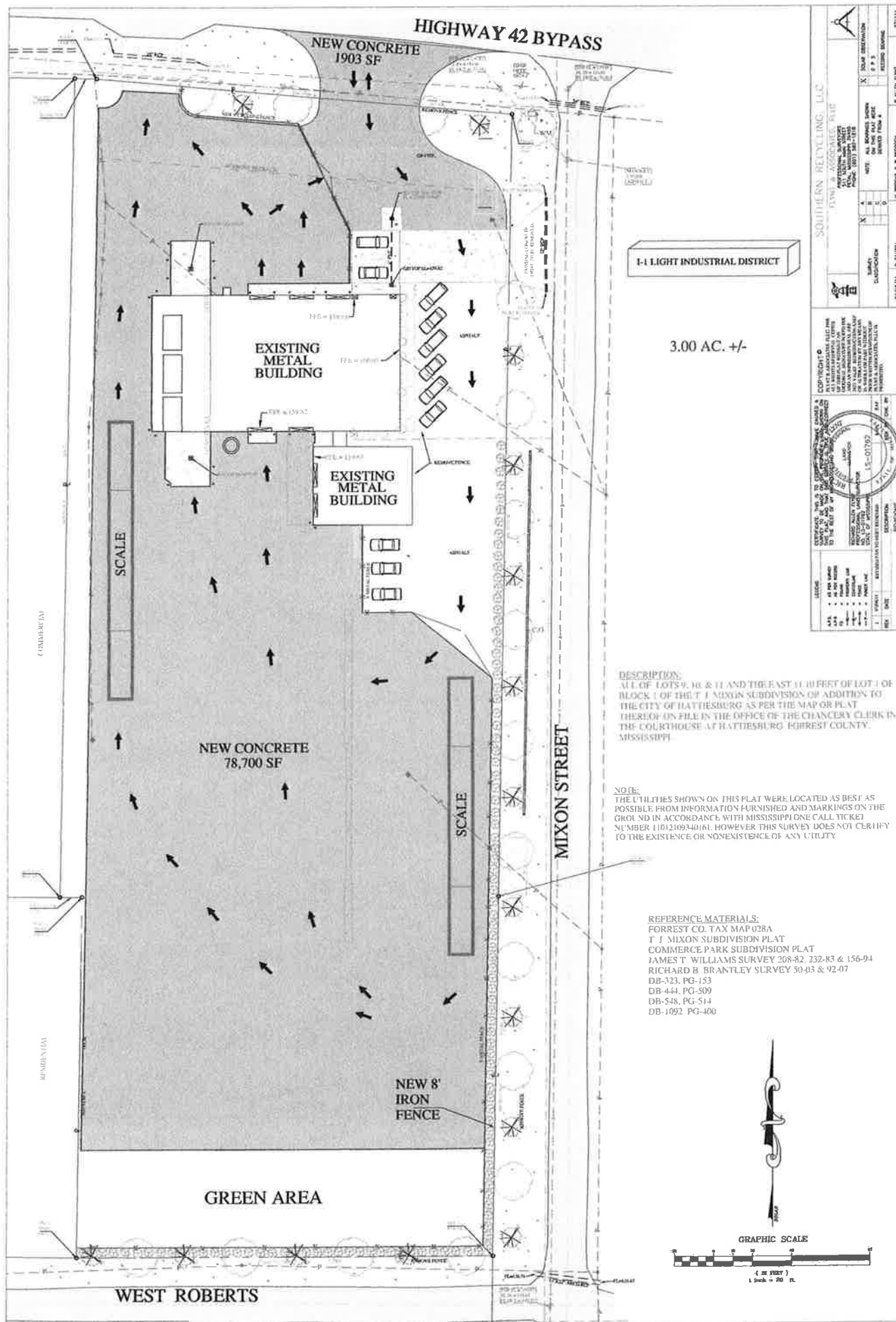
Debra L. Oliver
Notary Public

MY COMMISSION EXPIRES:

10-21-12



(THIS PAGE MUST BE SIGNED IN FRONT OF A NOTARY, BY THE OWNER(S) OF THE SUBJECT PROPERTY)



PUBLIC HEARING

NOTICE is hereby given that a petition has been filed by Eric Lang, P.E. on behalf of Marc Jaffe, Southern Recycling, LLC, owner, with the Mayor and Council of the City of Hattiesburg, Mississippi, as allowed in the Comprehensive Zoning Ordinance No. 2330, as amended, of the City of Hattiesburg, Mississippi, to allow a Use Permit Upon Review for a "Junk Yard" in an I-1(Light Industrial) District, for certain property located at 101 Mixon Street (Parcel # 19-572-1-4, PPIN 20719, Ward 2), said property being more particularly described as follows, to-wit:

ALL OF LOTS 9, 10 & 11 AND THE EAST 11.10 FEET OF LOT 1 OF BLOCK 1 OF THE SUBDIVISION OR ADDITION TO THE CITY OF HATTIESBURG AS PER THE MAP OR PLAT THEREOF ON FILE IN THE OFFICE OF THE CHANCERY CLERK IN THE COURTHOUSE AT HATTIESBURG, FORREST COUNTY, MISSISSIPPI.

A PUBLIC HEARING in relation to the above described petition will be held at 1:00 p.m., Wednesday, October 5, 2011, in the Jackie Dole Sherrill Community Center, First Floor, Hattiesburg, Mississippi, before the Planning Commission of said City, at which time and at which hearing all parties of interest and citizens shall have an opportunity to be heard.

WITNESS my signature and the official seal of said City on this, the 12th day of September, A.D., 2011.

CITY OF HATTIESBURG, MISSISSIPPI

BY: Eddie Myers /s/
CITY CLERK

(SEAL)

Publish (1) Friday, September 16, 2011
City of Hattiesburg
Return PROOF to City Clerk's Office
P.O. Box 1898
Hattiesburg, MS 39403-1898

BEFORE THE CITY COUNCIL OF

HATTIESBURG, MISSISSIPPI

IN THE MATTER OF THE APPLICATION

OF SOUTHERN RECYCLING

FOR A USE PERMIT UPON Review Parcel *19-572-I-4, PPIN 20719, Ward 2

STATEMENT IN SUPPORT OF USE PERMIT APPLICATION

The Proposal

Southern Recycling has a scrap processing facility in New Orleans and wishes to establish a recycling center in Hattiesburg at the site of the old Miller Transporters on Mixon Street at the Highway 42 bypass to provide material for the New Orleans facility.

(r W Roberts

St

SE Roberts St_ ^

At the Hattiesburg site, Southern Recycling will purchase recyclables, bale it and ship the material to New Orleans where it will be processed. The material will not be at the site for longer than necessary for a truck to ship it to New Orleans. Additional pictures related to the process are in a separate handout.

The hours of operation will be 8 - 4 Monday through Friday and 8 - 12 on some Saturdays. An anticipated 80 - 100 customers will come to the recycling center during the eight hours of its week-day operation.

- 2 -

The Property

101 Mixon Street, the address of the proposed facility, is the location of the former Miller Transporters operations. There are currently two deteriorating buildings on the site, a rusting barbed wire fence and a gravel parking area.

Southern Recycling anticipates expending \$2,668,500 to renovate and retrofit the existing buildings, to build the fence and construct a green area, to create additional access from Highway 42 bypass, to landscape the property, for site preparation and concrete, and to purchase the necessary equipment. The current parking area for Miller Transport property will be asphalted.

- 3 -

Front and back of the former Miller Transporters Buildings

Front right of the
existing Miller
Transporters
Building
Front left of the
existing Miller
Transporters
building
Right rear of site
Left rear of site

Close up of front left and rights sides of the Miller Transporters Building

Location

The location of the proposed recycling center and all of the property surrounding the proposed facility is zoned I-1 Light Industrial. Under the Hattiesburg Development Ordinance, I-1 Light Industrial is "intended primarily for production and assembly plants that are conducted so the noise, odor, dust and glare of each operation is properly controlled."

The Highway 42 bypass area is used for commercial and industrial activities.

Site and Surrounding Property

The proposed site for the recycling center consists of three acres and is bordered by Mixon Street, West Roberts, Highway 42 bypass and vacant Industrial land west of the site, 85% of which is owned by Southern Recycling.

The property behind the facility is vacant, the property to the east on Mixon Street is zoned I-1 Light Industrial but has several residential dwellings; the property to the west is zoned I-1 Light Industrial and is the site of an ambulance company.

The site itself is currently surrounded by a rusting barbed wire fence. Southern Recycling owns the vacant property behind the site and across West Roberts.

Barbed wire fence behind the property adjoining West Roberts

Vacant property behind the site, across the street and south of West Roberts

East of the property
across Mixon Street at the
Highway 42 bypass are
several residential
dwellings in the 1-1 Light
Industrial zone.

A&

/ . ■ " m

Across the Highway 42 bypass is a warehouse to the west and a vacant lot.
Properties across Highway 42 bypass from proposed site of recycling center

-7-

There is currently an entrance and exit into the Millers Transporters' site on Mixon Street. Southern Recycling proposes to close the Mixon Street access point and to have ingress and egress solely from Highway 42 bypass by adding another Highway 42 bypass driveway.

Artist Rendering of the Southern Recycling Hattiesburg Facility

There are 16,000 cars per day which travel the Highway 42 bypass in this location. An additional 80 to 100 cars over an eight hour period will have no impact on the Highway 42 bypass traffic patterns.

Southern Recycling proposes to add an eight foot fence and a green space on the West Roberts side of the property; it has submitted a landscape plan to the Site Plan Review Committee; and it has purchased an electric baler to cut noise in the baling process.

Proposed fence.

WEST ROBERTS

Plat with traffic flow and traffic Grey area is concrete and Landscape plan
staged white area is asphalt

The Site Plan shows that the vehicles will enter the property and travel into the asphalt area of the property behind the existing buildings where the ferrous material will be accepted and baled and placed in trailers for transport to New Orleans.

The Site Plan also shows that vehicles with non-ferrous material will enter at the same location and proceed into the existing building where the material will be weighed and packaged for shipment to New Orleans.

Southern Recycling has met multiple times with the Hattiesburg Site Plan Review Committee and the staff, and it has complied with each and every request that the Site Plan Review Committee and staff have made.

The proposed recycling center meets the requirements for Open Storage in the Hattiesburg Land Development Ordinance.

Economic Impact

Southern Recycling will employ 8-10 people, and it will provide 100's of local businesses and residents the opportunity to recycle at competitive prices. Access to the site can be made by Highway 49 and the Highway 42 bypass without traversing the City's residential areas.

Southern Recycling anticipates hiring 8-10 full time people at the recycling center at an annual payroll of nearly \$400,000 in wages and fringe benefits. The average wage at the recycling center, assuming nine full time employees, will be \$33,419. This is between the average wage for non farm employment in Lamar County of \$29,478 and the average wage for non farm employment in Forrest County of \$37,551.

Southern Recycling anticipates annual operating expenditures of \$591,786 in non labor costs.

According to an analysis of the information for the recycling facility made by the Mississippi Institutions of Higher Learning, the project would generate 9 direct full-time equivalent jobs and an estimated 15 total jobs in the Forrest/Lamar County area. These jobs would create \$400,000 in direct labor income and an estimated \$556,000 in total labor income. The new labor income associated with this facility would generate additional sales taxes for the state, with approximately \$3,960 in sales tax returning to the local community annually.

Construction of facilities (\$2.6 million) will generate an estimated 25 direct construction jobs and 36 total jobs. Facilities construction would generate an estimated \$962,000 in direct construction labor income and \$1,308,320 in total labor income. Construction impacts are short-term and dissipate once construction is completed. Labor income associated with construction will generate additional sales taxes for the state with an estimated \$9,319 returning to the local community.

j Annual Impact of New Facility Impact During Construction |

| Total Labor income Jobs Total Labor Income Jobs j

! \$556,000 15 \$1,308,320 36 |

| \$3,960 Annual local sales taxes \$9,319 in local sales taxes !

! \$11,000 Annual Property Taxes from the Southern Recycling properties !

Annual property taxes of over \$ 11,000 will be generated from the properties that Southern Recycling owns on the Highway 42 bypass, Mixon Street, and West Roberts.

In summary, the ongoing operation of the recycling center would generate a total of new 15 direct and indirect jobs with total labor income of \$556,000. During construction 36 new employees who would be supported by the expenditures to renovate and create the facility with a total labor income of \$1.9 million.

Taxes, earnings, and employment are just some of the benefits that can be associated with Southern Recycling's operations in the area. Southern Recycling's presence in the community attracts other related firms to the area, supplying services not only to Southern Recycling, but to other firms - creating additional output, income, and employment. This helps to diversify and expand the regional economy, increasing regional economic and employment opportunities.

Aside from just the positive economic impact, recycling provides valuable benefits to the environment - reducing wastes that would otherwise overload land fills, and reclaiming resources that are the raw materials for industries.

Growth within a community encompasses many different factors. Not all of the parts are as high profile as professional sports, or convention centers - nor are they all "high tech" as electronics, or computers. Southern Recycling is one of these solid but non-glamorous firms, expanding a region's growth prospects, and creating valuable economic activity, income, and employment.

Conclusion

Southern Recycling proposes to "recycle" a vacant and deteriorating building complex in an I-1 Light Industrial zone on a highway where 16,000 cars pass each day. Southern Recycling's renovation of the Miller Transporters buildings and grounds will turn an eyesore into a productive use, precluding further deterioration and enhancing the value of neighboring commercial properties. In so doing Southern Recycling proposes to add 15 new direct and indirect jobs to the Hattiesburg area with above average wages and total labor income of \$556,000, which will generate additional sales and property taxes for the local government. During renovation and construction, the project will add another 36 new direct and indirect jobs, at above average wages and \$1,308,320 in total labor income and more sales taxes for the local government.

The proposal allows Hattiesburg to add jobs, income and taxes, while renovating deteriorating property and adding a modern way of protecting the environment through the addition of a green industry to the community.

This the '2-/ day of November, 2011.

Respectfully submitted,

SOUTHERN RECYLING LLC

Applicant

By Its Attorneys,

Jones, Walker, Waechter, Poitevent,

Carrere & Denegre L.L.P.

By: Ka-hw^y, ft

/^jJ.

Kathryn H. HesterU [^] T[^]

Kathryn H. Hester

190 East Capitol Street Suite 800

Jackson, Mississippi .39201

(601) 949-4900

P.O. Box 427

Jackson, Mississippi 39205-0427

Exhibit "A" Affidavit of Kathryn H. Hester
Re Economic Impact and Traffic Count

- 13-

BEFORE THE CITY COUNCIL OF
HATTIESBURG, MISSISSIPPI
IN THE MATTER OF THE APPLICATION
OF SOUTHERN RECYCLING
FOR A USE PERMIT UPON Review Parcel *19-572-I-4, PPIN 20719, Ward 2
AFFIDAVIT OF KATHRYN H. HESTER
vSTATE OF MISSISSIPPI
COUNTY OF HINDS

Kathryn H. Hester, being duly sworn, depose and says:

1. My name is Kathryn H. Hester, and I am one of Southern Recycling's counsel. I make this affidavit on personal knowledge.
2. The traffic counts attached to this affidavit are from 1997 and they were obtained from the Mississippi Department of Transportation.
3. I provided Bob Neal, Senior Economist at the Mississippi Institutions for Higher Learning with the projected employment, wage, operating and construction expenses that are shown in the table in the Statement in Support of Use Permit Application. Dr. Neal provided me with the attached job, income and tax figures using accepted economic multiplier analysis. Further affiant saith naught.

By: M* Ifi^rtY'

Jones, Walker, Waechter, Poitevent, Carrere &
Denegre L.L.P.

Page 1 of 1

Hester, Katie

From: Bob Neal [bneal@ihl.state.ms.us]

Sent: Monday, November 07, 2011 9:55 AM

To: Hester, Katie

Subject: Economic impact of recycling firm on Forrest/Lamar County area

Ms. Hester

Analysis of the information you provided for the recycling facility indicates that this project would generate 9

direct full-time equivalent jobs and an estimated 15 total jobs in the Forrest/Lamar County area. The employment multiplier for this sector is 1.65. These jobs would create \$400,000 in direct labor income and an

estimated \$556,000 in total labor income. The labor income multiplier for this sector is 1.39. The new labor income associated with this facility would generate approximately \$3,960 in local sales tax revenue, annually.

Construction of facilities (\$2.6 million) will generate an estimated 25 direct construction jobs and 36 total jobs.

The employment multiplier for manufacturing construction is 1.43. Facilities construction would generate an

estimated \$962,000 in direct construction labor income and \$1,308,320 in total labor income.

Construction

impacts are short-term and dissipate once construction is completed. Labor income associated with construct will generate an estimated \$9,319 in local sales taxes.

If you have questions concerning this summary of the analysis or I can be of further service, please contact me at

601-432-6143 or email me at bneal@mississippi.edu.

Dr. Bob Neal Senior Economist Mississippi institutions of Higher Learning Phone: 601-432-6143

Fax: 601-432-6986

DISCLAIMER: The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential

and/or privileged material. Any review, re-transmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

11/17/2011

MDOT Traffic Counts

To start using the map application below to display the traffic counts, you can either start zooming into the area of interest or use the Google search box to locate a city, county, or address. The traffic counts will start appearing once you start zooming in closer. Select the year of traffic data from the year pull down selection box. The traffic counts are displayed within color coded boxes. A Blue Box indicates that the count was not counted within that year and the AADT was estimated as mentioned in the additional information below the traffic map application. A Red Box indicates that the count was counted in the year and the AADT is based on that count. The latest 10 year historical traffic count table can also be displayed by clicking on the count box which follows the same color scheme. Information regarding traffic data collection is available below the traffic map application. For additional information, you may call the Planning Division at 601-359-7685 and ask for the Traffic Analysis Section.

Zoom in to see counts

----- All ----- ~3 Select a year J 2008 ^J

friend

Bennett Cemetery

Rd

Old Mississippi 42

McLachlan Sr U

Sewerview Df

| Cahai St

PuMwd Rd

in-uMfai U-

Pacific Rd s%v{500"

%.

6300

% or

~ Geneva St

^

* lfboo

North St

C-tark St

160

Choctaw St: W R«S St ,**°

6500

^

W 7th St

Athletic Track

Facilities

7300 |X

W 4th St h,e,as

v«*.

Mat** St

W if St

..V 6* s*

?300

MatM SI

Rcseland PerK

Cemetery

&0

>

<

tt W6lhSt

W 5t» 5t

W 4tii St

E6ll

W 8th St

WTihst q

p20

c c

!£ Coium&ia St js W ftn St

Lake St

5100*

W4thSt -

, Mablo St

.telMSP data ©2011 Google

i We would like to inform you of some facts affecting the precision of the data. The counts are made to obtain statewide vehicle-miles-traveled using i statistics. As a result, individual counts may not represent an exact depiction of the traffic at a given site. Here are some facts about our data

t

- | • Traffic is counted for 48 hours at most of the sites.
- | • One third (1/3) of the traffic sites in a county or city are counted each year.
- | • Traffic counts for previous 2 years are updated to the current year using a factor based on traffic growth of counted sites statewide.
- The traffic counts shown on the maps are AADT (Annual Average Daily Traffic) which are computed using factors.
- The 48 hour counts are adjusted to AADT using factors for day-of-week, season, and average percent trucks.
- | • Factors are derived from Continuous Traffic Recorders (CTR) located across the state on all types of roads.
- [• Some count locations are assigned to another location due to the similar traffic patterns and will

share traffic count data. | • CTRs

count full time through out the year using special detectors, which some classify vehicles into the 13 FHWA Vehicle Classification System including passenger vehicles and trucks.

We provide these traffic counts as a service and invite you to use them. However, we also caution you to understand that data may not be exact

Select a County Email this page to a

16000

■ i.

CB5JOI

©

S

OK)

2300

6600 W Hh St A' 7th bt ^a ^Culw^.bio^,

28000 CotumMa St S900

Softball

Park

3dCal! y ice Fields %.

w &th

Sworn to and subscribed before me this ^ day of November 2011

Notary Public

--- '^\$50^

- 2 -

Exhibit aB"

Affidavit of Marc Jaffe re Wages and Construction with Pictures Related to the
Operation

- 14-

BEFORE THE CITY COUNCIL OF
HATTIESBURG, MISSISSIPPI
IN THE MATTER OF THE APPLICATION
OF SOUTHERN RECYCLING
FOR A USE PERMIT UPON Review Parcel *19-572-I-4, PPIN 20719, Ward 2
AFFIDAVIT OF MARC JAFFE
STATE OF FLORIDA
COUNTY OF ShuT/) RofA

Marc Jaffe, being duly sworn, deposes and says:

1. My name is Marc Jaffe, and I am one of Southern Recycling's counsel.
I make this affidavit on personal knowledge.
2. My office provided the projected employment, wage and operating and construction costs which are attached to this affidavit.
3. These figures represent Southern Recycling's best current estimate of each of those categories.
4. I have attached pictures to this affidavit which represent the following:

- 1) Artist Rendition of the building and site
- 2) Plat with traffic flow and traffic staged
- 3) Grey area is concrete and white area is asphalt
- 4) Current frontage
- 5) Proposed fence
- 6) Truck scale
- 7) Hydraulic crane
- 8) Roll-off container with prepared steel
- 9) Baler
- 10) This material was from five incoming loads
- 11) Previous picture made this one bale
- 12) Vehicle
- 13) Previous picture made this one bale
- 14) Typical outside area

-- +j

15) Warehouse

16) Prepared material ready for shipment

17) Non-ferrous area

Marc

Jaffi Sworn to and subscribed before me this / i

_ day of November

2011,

Notary

My Commission Expires:

XsirfJ) Jo/3

WALTER J. SCHIESSL fy MY COMMISSION #DD 864365 %2\$si? EXPIRES: June 8,2013 *W&^

Bonded Thru Nota^PuWicUmtevmteis

-2- V

Further affiant saith naught.

By: ?SA «*»*-

/\$

:*•'

Subject FW: Project Cost-Hattiesburg

Sender Jaffe, Marc <MJaffe@sorec-emr.com>

Recipient aflynt@netdoor.com <aflynt@netdoor.com:

Date 02/04/2011 15:29

roundcube

Let me know if you have any questions.

From: Jaffe, Marc

Sent: Friday, February 04, 2011 3:04 PM

To: Dupre, Joel

Subject: Project Cost-Hattiesburg

Property

Buildings

Processing Equipment

Truck Scales

Scale Installation

Concrete

Site Prep.

Fence

Landscape

Sign

Security

Computers

Office Furnishings

Miscellaneous

\$ 325,000.00 \$

125,000.00

\$1,320,000.00

\$ 97,000.00 \$

48,000.00 \$

605,000.00 \$

30,000.00

\$

18,000.00

\$ 7,500.00

\$ 3,000.00

\$ 40,000.00 \$

30,000.00 \$

10,000.00 S

10,000.00

Total \$2,668,500.00

This list will be going to the surveyor for him to add to the application.

Please review and advise.

Exhibit "A"

[hUps://\vebmail.netdoor.com/?_task=mail&_action=print&_uid=29908&_mbox=:INBOX](https://vebmail.netdoor.com/?_task=mail&_action=print&_uid=29908&_mbox=:INBOX) 2/7/2011

Southern Recycling - Pensacola

Hattiesburg, MS Yard

Monthly Annual

Labor - SiteMgr ■ Rate Hrs/Wk ' Wks/Mo Reg O/T Total

4,583

Total

55,00

0 ' Cashier \$10.00 50 4.33 1,732 650 '.

2,382

26,578

Scale \$10.00 50 4.33 1,732 650 2,382 28,578

Crane Ope \$12.00 50 4.33 2,078 779 2,858 34,294

FE Unloadi \$10.00 50 4.33 1,732 ■ • 650 2,362 28,578

Nonferrous \$10.00 50 4.33 1,732 650 2,382 28,576

' y,, Nonferroue \$10.00 50 4.33 1,732 650 2,382 28.578

i Driver \$12.00 50 4.33 2,078 779 2,856 34,294

Baler Oper

■

\$12.00 50 4.33 2,078 779 2,858 34,294

Total Labor , , 25,064 300,771

Fringes 30% 7,519 90,231

Contract Labor 0

Supplies 1,500 18.000

Fuel &

Oi

1 3,000 36,000

Utilities 1,000 12,000

R&M

Misc

«

Phone

Security

Advertising

Misc Total

Misc

5.000

1,800

500

2.500

3.000

7,800

60,000

21,600

6,000

30,000

36,000

93,600

Fixed Rent

Depreciation

insurance

27,016

2,000

0

324,186

24,000

Prop Tax/Permits 2,000 24,000

Total Fixed 31,016 372.166

Total Monthly Operating Costs 81,899

982,788

■ *r "M\

Southern Recycling - Pensacola

1 -lattleabur

g,

MS Yard Monthly Annual

Labor Site Mgr Rate Hrs/Wk WkS/Mo Reg O/T Total

4,583

Total

55,000

Cashier \$10.00 50 4.33 1,732 650 2,382 28,578

Scale \$10i00 50 4.33 1,732 650 2,382 28,578

Crane Ope \$12.00 50 4,33 2,078 779 2,858 34,294

FE Unload) \$10.00 50 4.33 1,732 650 2,382 28,578

Nonferrous \$10.00 50 4.33 1,732 650 2,382 28,576

' -v Nonferroufi \$10.00 50 4.33 1,732 650 2,382 28.578

Driver \$12.00 50 4.33 2,078 779 2,858 34,294

Baler Opar 512.00 50 4.33 2,078 779 2,858 34,294

Total Labor 25,064 300,771 33,419

AVG

Fringes 30% 7,519 90,231

Contract Labor 0

Supplies 1,500 18.000

Fuel &

Oi

1 3,000 36,000

Utilities 1,000 12,000

R&M

MIsc

Fixed

»

Phone

Security

Advertising

MIsc Total

MIsc

Rent

Depreciation

Insurance

5,000

1,800

500

2,500

3,000

7,800

27,016

2,000

60,000

21,600

6,000

30,000

36,000

93,600

0

324,186

24,000

Prop Tax/Permits 2,000 24,000

Total Fixed 31,016 372,186

Total Monthly Operating Costs 81,899 982,788

591,786 non wage and fringe

- **{\

BEFORE THE CITY COUNCIL OF
HATTIESBURG, MISSISSIPPI

IN THE MATTER OF THE APPLICATION
OF SOUTHERN RECYCLING

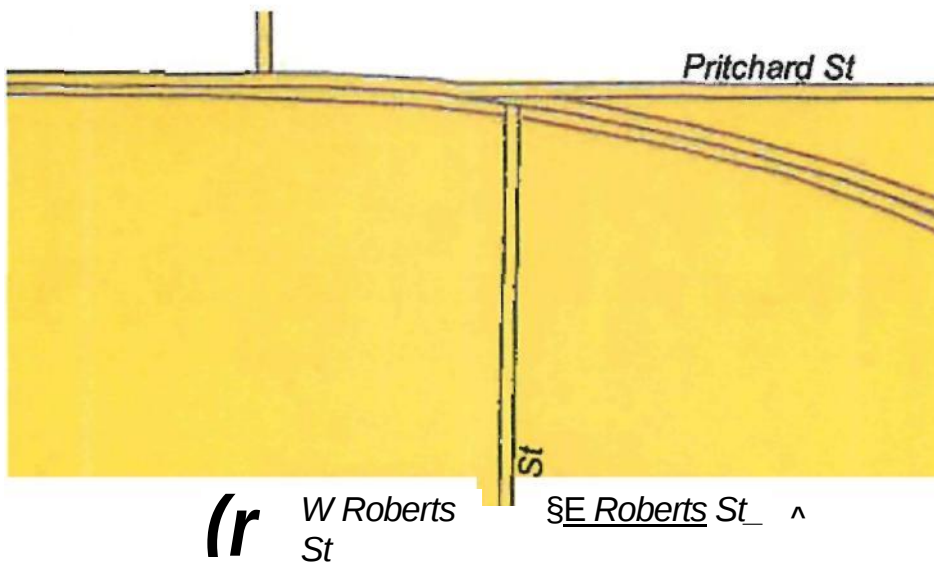
FOR A USE PERMIT UPON Review

Parcel *19-572-1-4, PPIN 20719, Ward 2

STATEMENT IN SUPPORT OF USE PERMIT APPLICATION

The Proposal

Southern Recycling has a scrap processing facility in New Orleans and wishes to establish a recycling center in Hattiesburg at the site of the old Miller Transporters on Mixon Street at the Highway 42 bypass to provide material for the New Orleans facility.





At the Hattiesburg site, Southern Recycling will purchase recyclables, bale it and ship the material to New Orleans where it will be processed. The material will not be at the site for longer than necessary for a truck to ship it to New Orleans. Additional pictures related to the process are in a separate handout.



The hours of operation will be 8 - 4 Monday through Friday and 8 - 12 on some Saturdays. An anticipated 80 - 100 customers will come to the recycling center during the eight hours of its week-day operation.

The Property

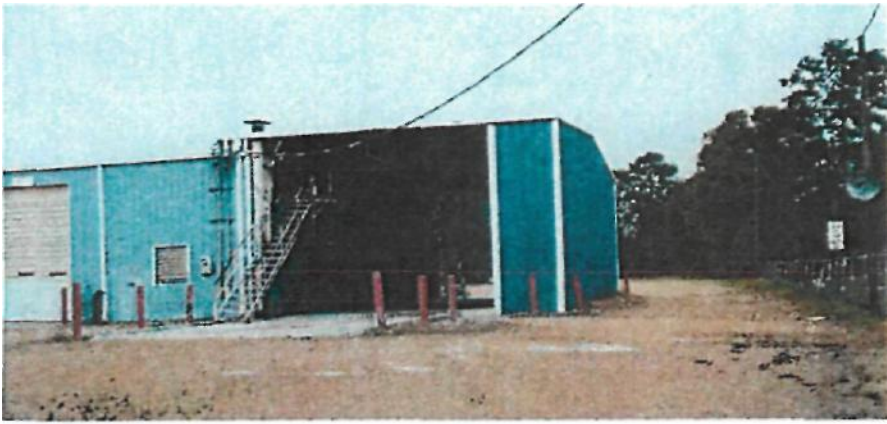
101 Mixon Street, the address of the proposed facility, is the location of the former Miller Transporters operations. There are currently two deteriorating buildings on the site, a rusting barbed wire fence and a gravel parking area.



Front and back of the former Miller Transporters Buildings



Southern Recycling anticipates expending \$2,668,500 to renovate and retrofit the existing buildings, to build the fence and construct a green area, to create additional access from Highway 42 bypass, to landscape the property, for site preparation and concrete, and to purchase the necessary equipment. The current parking area for Miller Transport property will be asphalted.



Front right of the
existing Miller
Transporters
Building



Front left of the
existing Miller
Transporters
building



Right rear of site



Left rear of site



Close up of front left and rights sides of the Miller Transporters Building

Location

The location of the proposed recycling center and all of the property surrounding the proposed facility is zoned I-1 Light Industrial. Under the Hattiesburg Development Ordinance, I-1 Light Industrial is "intended primarily for production and assembly plants that are conducted so the noise, odor, dust and glare of each operation is properly controlled."

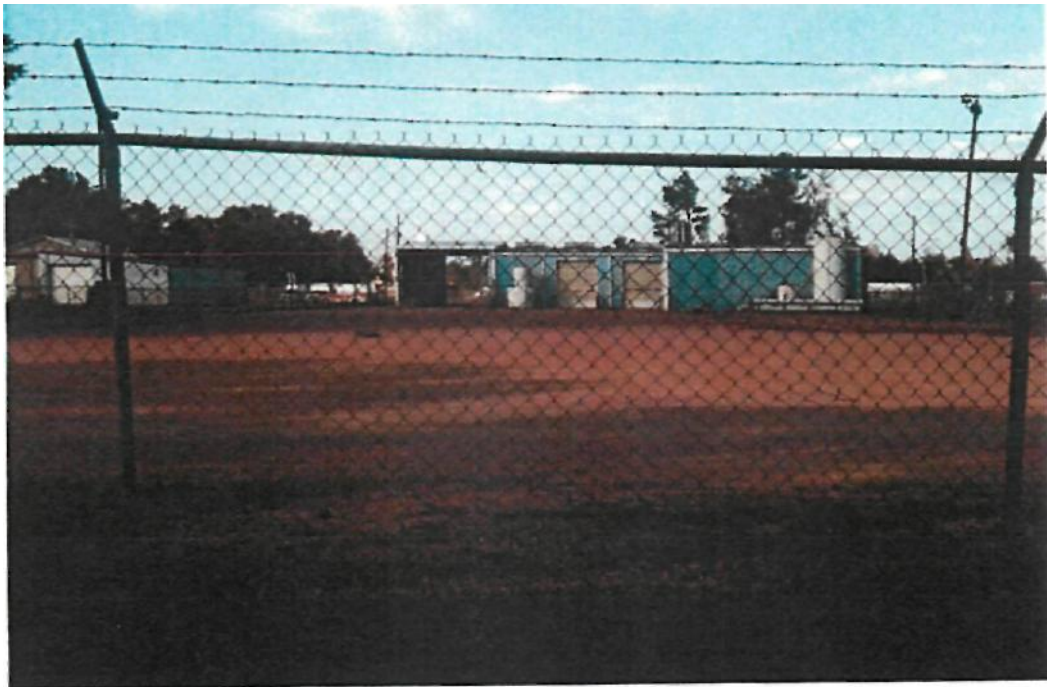
The Highway 42 bypass area is used for commercial and industrial activities.

Site and Surrounding Property

The proposed site for the recycling center consists of three acres and is bordered by Mixon Street, West Roberts, Highway 42 bypass and vacant Industrial land west of the site, 85% of which is owned by Southern Recycling.

The property behind the facility is vacant, the property to the east on Mixon Street is zoned I-1 Light Industrial but has several residential dwellings; the property to the west is zoned I-1 Light Industrial and is the site of an ambulance company.

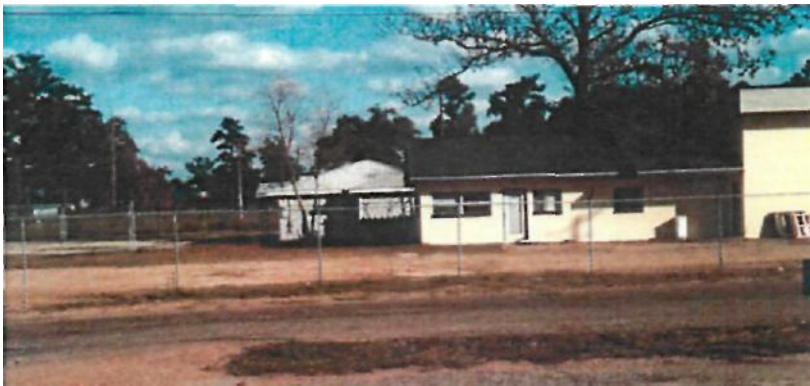
The site itself is currently surrounded by a rusting barbed wire fence. Southern Recycling owns the vacant property behind the site and across West Roberts.



Barbed wire fence behind the property adjoining West Roberts

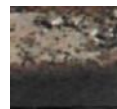


Vacant property behind the site, across the street and south of West Roberts



East of the property across Mixon Street at the Highway 42 bypass are several residential dwellings in the 1-1 Light Industrial zone.

A&
m



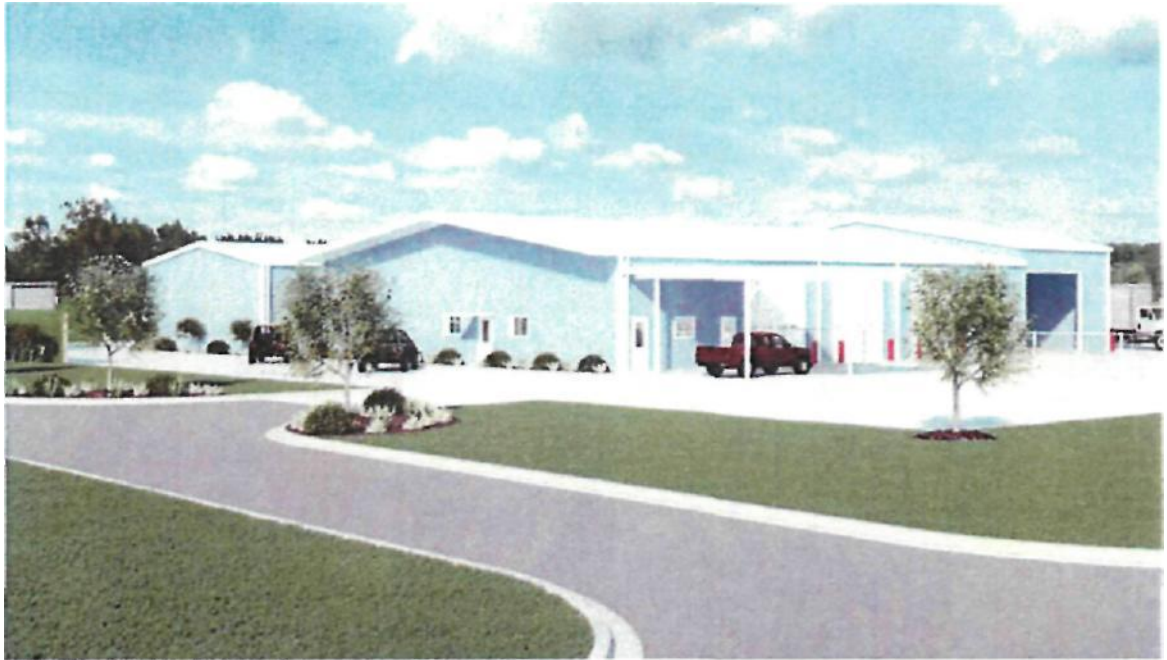
Across the Highway 42 bypass is a warehouse to the west and a vacant lot.



Properties across Highway 42 bypass from proposed site of recycling center



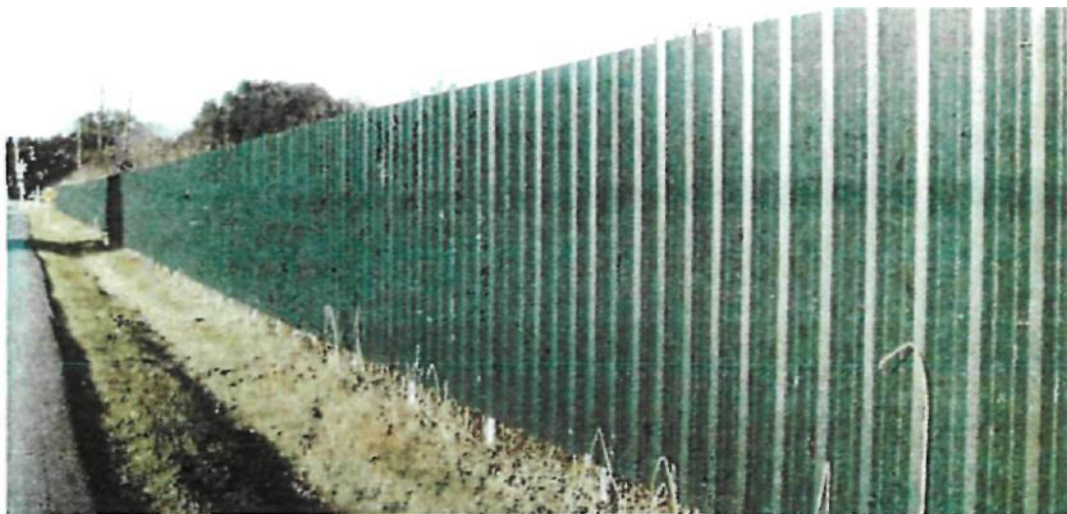
There is currently an entrance and exit into the Millers Transporters' site on Mixon Street. Southern Recycling proposes to close the Mixon Street access point and to have ingress and egress solely from Highway 42 bypass by adding another Highway 42 bypass driveway.



Artist Rendering of the Southern Recycling Hattiesburg Facility

There are 16,000 cars per day which travel the Highway 42 bypass in this location. An additional 80 to 100 cars over an eight hour period will have no impact on the Highway 42 bypass traffic patterns.

Southern Recycling proposes to add an eight foot fence and a green space on the West Roberts side of the property; it has submitted a landscape plan to the Site Plan Review Committee; and it has purchased an electric baler to cut noise in the baling process.



Proposed fence.



Plat with traffic flow and traffic staged

Grey area is concrete and white area is asphalt

Landscape plan

The Site Plan shows that the vehicles will enter the property and travel into the asphalt area of the property behind the existing buildings where the ferrous material will be accepted and baled and placed in trailers for transport to New Orleans.

The Site Plan also shows that vehicles with non-ferrous material will enter at the same location and proceed into the existing building where the material will be weighed and packaged for shipment to New Orleans.

Southern Recycling has met multiple times with the Hattiesburg Site Plan Review Committee and the staff, and it has complied with each and every request that the Site Plan Review Committee and staff have made.

The proposed recycling center meets the requirements for Open Storage in the Hattiesburg Land Development Ordinance.

Economic Impact

Southern Recycling will employ 8-10 people, and it will provide 100's of local businesses and residents the opportunity to recycle at competitive prices. Access to the site can be made by Highway 49 and the Highway 42 bypass without traversing the City's residential areas.

Southern Recycling anticipates hiring 8-10 full time people at the recycling center at an annual payroll of nearly \$400,000 in wages and fringe benefits. The average wage at the recycling center, assuming nine full time employees, will be \$33,419. This is between the average wage for non farm employment in Lamar County of \$29,478 and the average wage for non farm employment in Forrest County of \$37,551.

Southern Recycling anticipates annual operating expenditures of \$591,786 in non labor costs.

According to an analysis of the information for the recycling facility made by the Mississippi Institutions of Higher Learning, the project would generate 9 direct full-time equivalent jobs and an estimated 15 total jobs in the Forrest/Lamar County area. These jobs would create \$400,000 in direct labor income and an estimated \$556,000 in total labor income. The new labor income associated with this facility would generate additional sales taxes for the state, with approximately \$3,960 in sales tax returning to the local community annually.

Construction of facilities (\$2.6 million) will generate an estimated 25 direct construction jobs and 36 total jobs. Facilities construction would generate an estimated \$962,000 in direct construction labor income and \$1,308,320 in total labor income. Construction impacts are short-term and dissipate once construction is completed. Labor income associated with construction will generate additional sales taxes for the state with an estimated \$9,319 returning to the local community.

<u>j Annual Impact of New Facility</u>		<u>Impact During Construction</u>		
Total Labor income	Jobs	Total Labor Income	Jobs	j
I \$556,000	15	\$1,308,320	36	
\$3,960 Annual local sales taxes		\$9,319 in local sales taxes		!
! \$11,000 <u>Annual Property Taxes</u> from the <u>Southern Recycling properties</u>				I

Annual property taxes of over \$ 11,000 will be generated from the properties that Southern Recycling owns on the Highway 42 bypass, Mixon Street, and West Roberts.

In summary, the ongoing operation of the recycling center would generate a total of new 15 direct and indirect jobs with total labor income of \$556,000. During construction 36 new employees who would be supported by the expenditures to renovate and create the facility with a total labor income of \$1.9 million.

Taxes, earnings, and employment are just some of the benefits that can be associated with Southern Recycling's operations in the area. Southern Recycling's presence in the community attracts other related firms to the area, supplying services not only to Southern Recycling, but to other firms - creating additional output, income, and employment. This helps to diversify and expand the regional economy, increasing regional economic and employment opportunities.

Aside from just the positive economic impact, recycling provides valuable benefits to the environment - reducing wastes that would otherwise overload land fills, and reclaiming resources that are the raw materials for industries.

Growth within a community encompasses many different factors. Not all of the parts are as high profile as professional sports, or convention centers - nor are they all "high tech" as electronics, or computers. Southern Recycling is one of these solid but non-glamorous firms, expanding a region's growth prospects, and creating valuable economic activity, income, and employment.

Conclusion

Southern Recycling proposes to "recycle" a vacant and deteriorating building complex in an I-1 Light Industrial zone on a highway where 16,000 cars pass each day. Southern Recycling's renovation of the Miller Transporters buildings and grounds will turn an eyesore into a productive use, precluding further deterioration and enhancing the value of neighboring commercial properties. In so doing Southern Recycling proposes to add 15 new direct and indirect jobs to the Hattiesburg area with above average wages and total labor income of \$556,000, which will generate additional sales and property taxes for the local government. During renovation and construction, the project will add another 36 new direct and indirect jobs, at above average wages and \$1,308,320 in total labor income and more sales taxes for the local government.

The proposal allows Hattiesburg to add jobs, income and taxes, while renovating deteriorating property and adding a modern way of protecting the environment through the addition of a green industry to the community.

This the 2- day of November, 2011.

Respectfully submitted,

SOUTHERN RECYCLING LLC
Applicant

By Its Attorneys,
Jones, Walker, Waechter, Poitevent,
Carrere & Denegre L.L.P.

By: *Ka-hw[^]y, ft*
/[^]jJ.

Kathryn H. HesterU

[^] T[^]

Kathryn H. Hester
190 East Capitol Street Suite 800
Jackson, Mississippi .39201
(601) 949-4900
P.O. Box 427
Jackson, Mississippi 39205-0427

Exhibit "A" Affidavit of Kathryn H. Hester

Re Economic Impact and Traffic Count

BEFORE THE CITY COUNCIL OF
HATTIESBURG, MISSISSIPPI

IN THE MATTER OF THE APPLICATION
OF SOUTHERN RECYCLING
FOR A USE PERMIT UPON Review Parcel *19-572-l-4, PPIN 20719, Ward 2

AFFIDAVIT OF KATHRYN H. HESTER

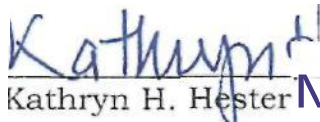
vSTATE OF MISSISSIPPI

COUNTY OF HINDS

Kathryn H. Hester, being duly sworn, depose and says:

1. My name is Kathryn H. Hester, and I am one of Southern Recycling's counsel. I make this affidavit on personal knowledge.
2. The traffic counts attached to this affidavit are from 1997 and they were obtained from the Mississippi Department of Transportation.
3. I provided Bob Neal, Senior Economist at the Mississippi Institutions for Higher Learning with the projected employment, wage, operating and construction expenses that are shown in the table in the Statement in Support of Use Permit Application. Dr. Neal provided me with the attached job, income and tax figures using accepted economic multiplier analysis.

Further affiant saith naught.

By: 
Kathryn H. Hester M* 
Jones, Walker, Waechter, Poitevent, Carrere &
Denegre L.L.P.

Hester, Katie

From: Bob Neal [bneal@ihl.state.ms.us]
Sent: Monday, November 07, 2011 9:55 AM
To: Hester, Katie
Subject: Economic impact of recycling firm on Forrest/Lamar County area

Ms. Hester

Analysis of the information you provided for the recycling facility indicates that this project would generate 9 direct full-time equivalent jobs and an estimated 15 total jobs in the Forrest/Lamar County area. The employment multiplier for this sector is 1.65. These jobs would create \$400,000 in direct labor income and an estimated \$556,000 in total labor income. The labor income multiplier for this sector is 139. The new labor income associated with this facility would generate approximately \$3,960 in local sales tax revenue, annually.

Construction of facilities (\$2.6 million) will generate an estimated 25 direct construction jobs and 36 total jobs. The employment multiplier for manufacturing construction is 1.43. Facilities construction would generate an estimated \$962,000 in direct construction labor income and \$1,308,320 in total labor income. Construction impacts are short-term and dissipate once construction is completed. Labor income associated with construct will generate an estimated \$9,319 in local sales taxes.

If you have questions concerning this summary of the analysis or I can be of further service, please contact me at 601-432-6143 or email me at bneal@mississippi.edu.

Dr. Bob Neal
Senior Economist
Mississippi institutions of Higher Learning
Phone: 601-432-6143
Fax: 601-432-6986

DISCLAIMER: The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, re-transmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

11/17/2011

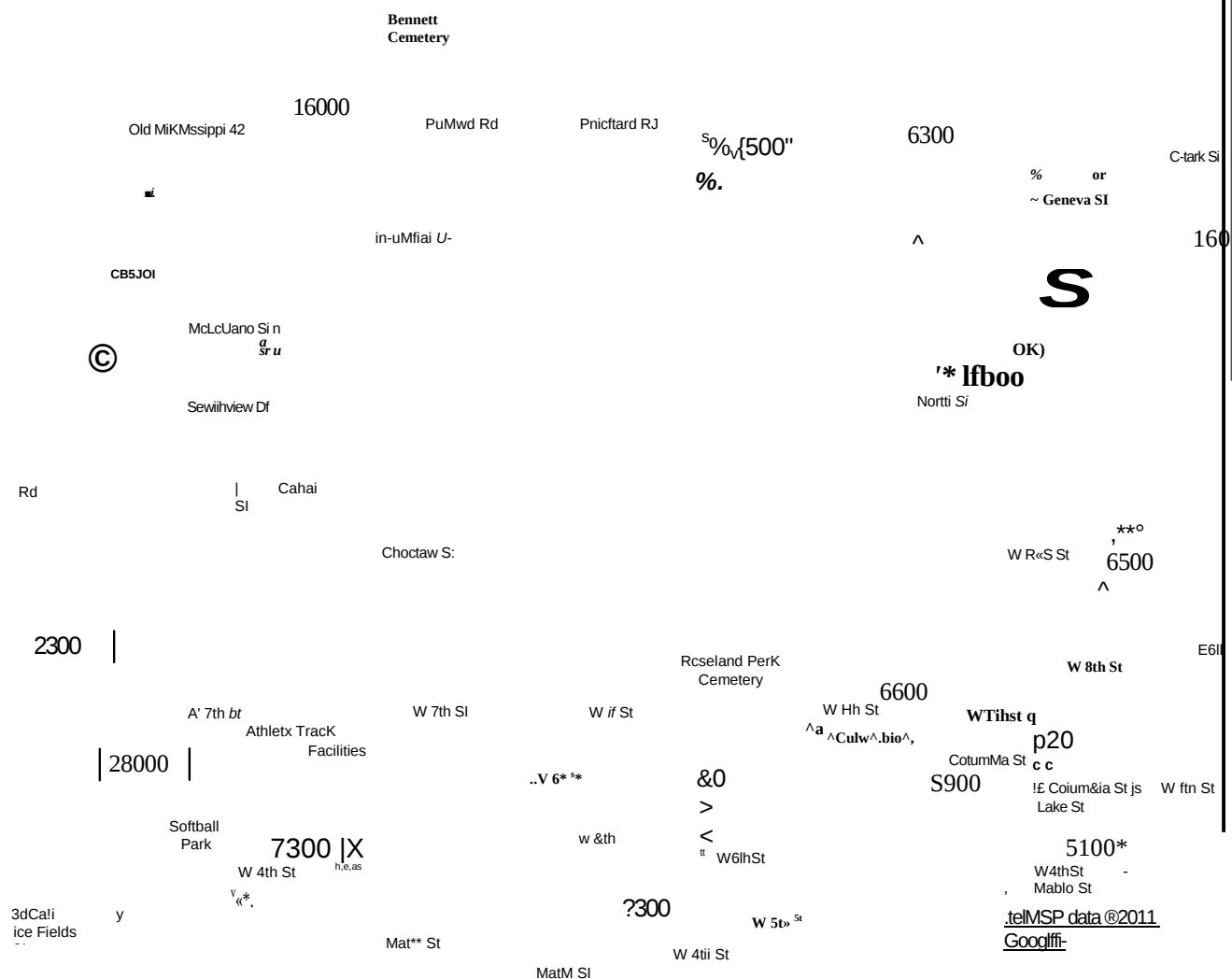
MDOT Traffic Counts

To start using the map application below to display the traffic counts, you can either start zooming into the area of interest or use the Google search box to locate a city, county, or address. The traffic counts will start appearing once you start zooming in closer. Select the year of traffic data from the Year pull down selection box. The traffic counts are displayed within color coded boxes. A **Blue Box** indicates that the count was not counted within that year and the AADT was estimated as mentioned in the additional information below the traffic map application. A **Red Box** indicates that the count was counted in the year and the AADT is based on that count. The latest 10 year historical traffic count table can also be displayed by clicking on the count box which follows the same color scheme. Information regarding traffic data collection is available below the traffic map application. For additional information, you may call the Planning Division at 601-359-7685 and ask for the Traffic Analysis Section.

Zoom in to see counts

Select a County ----- All ----- ~3 Select a year J 2008 ^J
friend

[Email this page to a](#)



We would like to inform you of some facts affecting the precision of the data. The counts are made to obtain statewide vehicle-miles-traveled using statistics. As a result, individual counts may not represent an exact depiction of the traffic at a given site. Here are some facts about our data:

- Traffic is counted for 48 hours at most of the sites.
 - One third (1/3) of the traffic sites in a county or city are counted each year.
 - Traffic counts for previous 2 years are updated to the current year using a factor based on traffic growth of counted sites statewide.
- The traffic counts shown on the maps are AADT (Annual Average Daily Traffic) which are computed using factors.
- The 48 hour counts are adjusted to AADT using factors for day-of-week, season, and average percent trucks.
 - Factors are derived from Continuous Traffic Recorders (CTR) located across the state on all types of roads.
- Some count locations are assigned to another location due to the similar traffic patterns and will share traffic count data.
 - CTRs count full time through out the year using special detectors, which some classify vehicles into the 13 FHWA Vehicle Classification System including passenger vehicles and trucks.

We provide these traffic counts as a service and invite you to use them. However, we also caution you to understand that data may not be exact.

Sworn to and subscribed before me this day of November 2011

Gyranne C. Bawbale

Notary Public

---'A\$50A

Exhibit "B"

Affidavit of Marc Jaffe re Wages and Construction with Pictures Related to the
Operation

BEFORE THE CITY COUNCIL OF
HATTIESBURG, MISSISSIPPI

IN THE MATTER OF THE APPLICATION
OF SOUTHERN RECYCLING

FOR A USE PERMIT UPON Review Parcel *19-572-1-4, PPIN 20719, Ward 2

AFFIDAVIT OF MARC JAFFE

STATE OF FLORIDA

COUNTY OF ShuT/) RofA

Marc Jaffe, being duly sworn, deposes and says:

1. My name is Marc Jaffe, and I am one of Southern Recycling's counsel.

I make this affidavit on personal knowledge.

2. My office provided the projected employment, wage and operating and construction costs which are attached to this affidavit.

3. These figures represent Southern Recycling's best current estimate of each of those categories.

4. I have attached pictures to this affidavit which represent the following:

- 1) Artist Rendition of the building and site
- 2) Plat with traffic flow and traffic staged
- 3) Grey area is concrete and white area is asphalt
- 4) Current frontage
- 5) Proposed fence
- 6) Truck scale
- 7) Hydraulic crane
- 8) Roll-off container with prepared steel
- 9) Baler
- 10) This material was from five incoming loads
- 11) Previous picture made this one bale
- 12) Vehicle
- 13) Previous picture made this one bale
- 14) Typical outside area

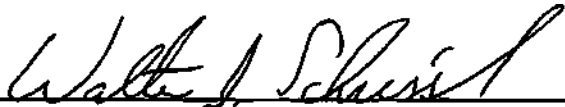
- 15) Warehouse
- 16) Prepared material ready for shipment
- 17) Non-ferrous area

Further affiant saith naught.

By: ?Si/«*».  — day of November
2011,

Marc

Jaffi Sworn to and subscribed before me this /i



Public

Notary

My Commission Expires:

XsirfJ) Jo/3

/\$ WALTER J. SCHIESSL
fy MY COMMISSION #DD
864365 %2\$si? EXPIRES: June
8,2013 *W&^ Bonded Thru
Nota^PuWicUmtevmteis

Subject **FW: Project Cost-Hattiesburg**
Sender Jaffe, Marc <MJaffe@sorec-emr.com>
Recipient aflynt@netdoor.com <aflynt@netdoor.com:
Date 02/04/2011 15:29



Let me know if you have any questions.

From: Jaffe, Marc
Sent: Friday, February 04, 2011 3:04 PM
To: Dupre, Joel
Subject: Project Cost-Hattiesburg

Property	\$ 325,000.00 \$
Buildings	125,000.00
Processing Equipment	\$1,320,000.00
Truck Scales	\$ 97,000.00 \$
Scale Installation	48,000.00 \$
Concrete	605,000.00 \$
Site Prep.	30,000.00
Fence	\$
Landscape	18,000.00
Sign	\$ 7,500.00
Security	\$ 3,000.00
Computers	\$ 40,000.00 \$
Office Furnishings	30,000.00 \$
Miscellaneous	10,000.00 S
	10.000.00
Total	\$2,668,500.00

This list will be going to the surveyor for him to add to the application.

Please review and advise.

Exhibit "A"

Southern Recycling - Pensacola
Hattiesburg, MS Yard

Labor -	SiteMgr	Rate	Hrs/Wk	'WkS/Mo	Reg	O/T	Monthly Total	Annual Total
							4,583	55,000
	Cashier	\$10.00	50	4.33	1,732	650	2,382	28,578
	Scale	\$10.00	50	4.33	1,732	650	2,382	28,578
	Crane Oper	\$12.00	50	4.33	2,078	779	2,858	34,294
	FE Unloadi	\$10.00	50	4.33	1,732	650	2,362	28,578
	Nonferrous	\$10.00	50	4.33	1,732	650	2,382	28,576
	Nonferroue	\$10.00	50	4.33	1,732	650	2,382	28,578
	Driver	\$12.00	50	4.33	2,078	779	2,856	34,294
	Baler Oper	\$12.00	50	4.33	2,078	779	2,858	34,294
	Total Labor						25,064	300,771
Fringes		30%					7,519	90,231
Contract Labor							0	
Supplies							1,500	18,000
Fuel & Oil							3,000	36,000
Utilities							1,000	12,000
R&M	Phone						5,000	60,000
	Security						1,800	21,600
Misc	Advertising						500	6,000
	Misc Total						2,500	30,000
	Misc						3,000	36,000
							7,800	93,600
Fixed	Rent						27,016	0
	Depreciation						2,000	324,186
	insurance							24,000
	Prop Tax/Permits						2,000	24,000
	Total Fixed						31,016	372,166
Total Monthly Operating Costs							81,899	
							982,788	

Southern Recycling - Pensacola

**1 - Littleabur MS Yard
g,**

							Monthly	Annual		
Labor	Site Mgr	Rate	Hrs/Wk	WkS/Mo	Reg	O/T	Total	Total		
							4,583	55,000		
	Cashier	\$10.00	50	4.33	1,732	650	2,382	28,578		
	Scale	\$10.00	50	4.33	1,732	650	2,382	28,578		
	Crane Ope	\$12.00	50	4.33	2,078	779	2,858	34,294		
	FE Unload)	\$10.00	50	4.33	1,732	650	2,382	28,578		
	Nonferrous	\$10.00	50	4.33	1,732	650	2,382	28,576		
' -v	Nonferroufi	\$10.00	50	4.33	1,732	650	2,382	28,578		
	Driver	\$12.00	50	4.33	2,078	779	2,858	34,294		
	Baler Opar	\$12.00	50	4.33	2,078	779	2,858	34,294		
	Total Labor						25,064	300,771	33,419	AVG
Fringes		30%					7,519	90,231		
Contract Labor							0			
Supplies							1,500	18,000		
Fuel & Oi	1						3,000	36,000		
Utilities							1,000	12,000		
R&M	»						5,000	60,000		
	Phone						1,800	21,600		
	Security						500	6,000		
Misc	Advertising						2,500	30,000		
Fixed	Misc Total						3,000	36,000		
	Misc						7,800	93,600		
	Rent						27,016	0		
	Depreciation						2,000	324,186		
	Insurance							24,000		
	Prop Tax/Permits						2,000	24,000		
	Total Fixed						31,016	372,186		
Total Monthly Operating Costs							81,899	982,788		
									591,786	non wage and fringe

LANDRYANDLEWTS

ARCHITECTS, P.A.TM W*WSTM

SOUTHERN RECYCLING, LLC

HATTIESBURG, MISSISSIPPI JULY 21, 2011

AiriUJI ANV dO SDNViSDONON W) ;t)N VJ&'lxa dILL OJ. i <. i!!:' I) 11IN SHOCI AHAI11S SHU
HdA'dMOH 'I9IOK60IZ1UI I HaHKHN jamiTnosNo mreassiw IUJM aaHvovooov NI OHJIOHO
am.NOS!)NI»HVW<INVCniISIN>IIIIINOLLVIV)IOINIIN()«i:riiISW>,I sv xsnn sv cnuvooi 3HHM IVU snu NO
NMOIS s-iunun niu. i AICN
1.I.IISS1SS1IM •AJJjnoa Ji.-3HMo.-i •:)anns-:iuj.vii J.V Bsnomanoo 31UNiaH-
roAH3aNVIO7IIUd03DlId031U.NI 7131:1 NO doaaiuxvid Moavw diunad sv oanushuavn .10 AJLOHILI.
aLNOUjaavaoNoisiAiannsNoxiwf j.7!iiL.io 1 xxrra JO I JJjdOJirUOril ISVd'JJLLCINV II VOI '6SJ.Q1
dOTIV :N0LI.mOS-:KI

ii now l> VSPH M I P ■ ■'.

lyPJIMg

fsl ■ ■ ■ M

REFERENCE MATERIALS FOKI'.ESI ri) I AX M'-I'ii'.-.\ T.J. MIXON SUBDIVISION PLAT • . RI T PARK
SUBDIVISION PLAT JAMES T. WILLIAMS SURVEY 208-82. :-s.< & 156-94 RICHARD H BRANTLEY
SURVEY 5(1-01 tt '12-1)1 DB-323.PG-I53 DB-444.PO-509 DI1-54S. I-CI-SII DB-1092, PG-KW

GREEN AREA o*

^^O^O^C^)' .«^^;

WEST ROBERTS - . . .-.'

CHAI'IIIC SCALE

HIGHWAY 42 BV

I-I IJGIIT INDUSTRIAL

3.00 AC. +/-

LOT AREA: 130.683 FP/ 100% 3.00 ACRES

TOTAL BUILDING AREA: I(W;FT'/K.37% 0.25 ACRES

TOTAL PAVED AREA: 96,834 FT/74.1* 2.22 ACRES

TOTAL GREEN SPACE: 22.910 FT2/17.53% 0.53 ACRES

DESCRIPTION: MI ill LOTS". I"..''. II AND I III! LAST 11.10 FEETOFLOT I OF BLOCK I III- fill I.I.

MIXON SUBDIVISION OR ADDITION It) THE CITY OF HA II IESBURG AS PER THE MAP OR I'l.s r

THEREOF ON FII.F. IN TIIF. OFFICE OF THF.CHANCERY CLERK IN THE COURTHOUSE AT

HVniLSiiliRCi. FORREST COUNTY, MISSISSIPPI.

NEW CONCRETE 78,700 SF

Mill- THF.UTILITIES SHOWN ON THIS PUT WI.KF LOCATED AS REST AS POSSIBLE FROM

INFORMATION FURNISHED U4DMARKINI GROUND IN ACCORDANCE WITH MISSISSIPPI

ONECALL TICKET NUMBER II0I2I09340I6I, HOWEVER THIS SURVEY DOES NOTCERTTFY TO TIIF

F-X1STENC I (IP SUM AMI M I ill INV UTIUTY,

td n '

v":

1 1 t'iw" r- i MU HMHH ■P

1. ■

i • ji t • ■ - ■ l: < ll 1 *i

l,

1U

J—r'tl

■ i

2*^

_____ i _____ L _____ , i _____ U _____

••'4

p*

V'

. "' v y^ *jL l4

4t. . IBHF tTf B 1 . ■ 51

MW

A- f

%- V.'

"^

I

W

■ **m

¥

X ' 1

V' . \

: ' . 1 ■ 1 ' iir%

li 4

m

"\$, J t

■ it x' f 1 1

1

i

/ 1

1 j

!ft

<<n

<<^

&

*i

m

w

■ ■

• -V

VSp*

T3HBE

-

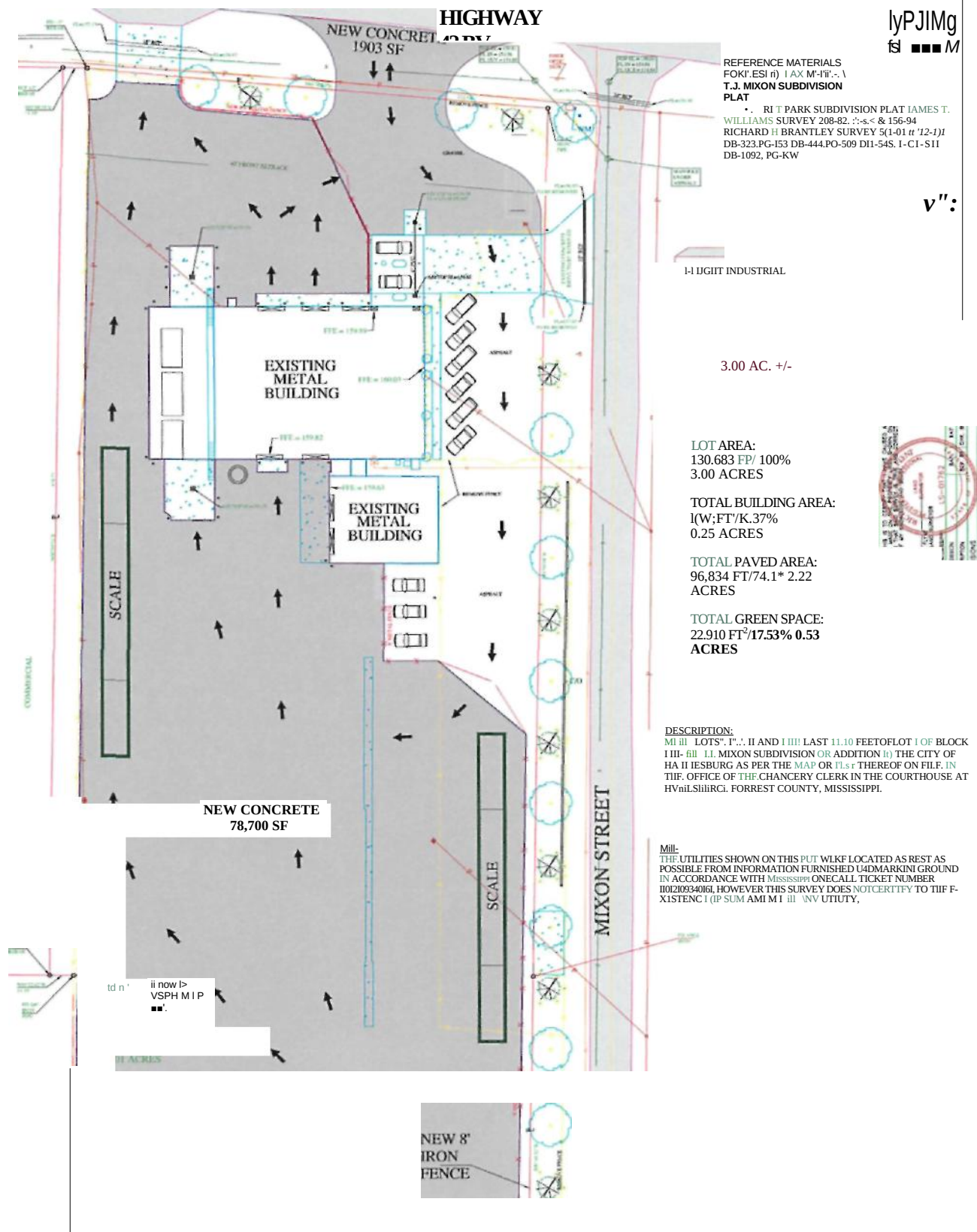


LANDRY AND LEWIS
ARCHITECTS, P.A.TM W*WSTM

SOUTHERN RECYCLING, LLC
HATTIESBURG, MISSISSIPPI

JULY 21, 2011

1



GREEN AREA

WEST ROBERTS

CHARM SCALE

|

1

1

tiw''

r- i MU

HMH
H

P

1.

i • ii
■ ■ k

<

II 1 *s1

l,



1U

J—r'tl

|
|



1



200













p*

v

4t. .
y^ *jL 4
B1 .■ 51

MW

A- ***f***

W

v.'



"^

I





■**m



¥

x'

v'

1

1

'iir%

li 4

m

t

i

it x'

f

1

1

1

1

1

1j

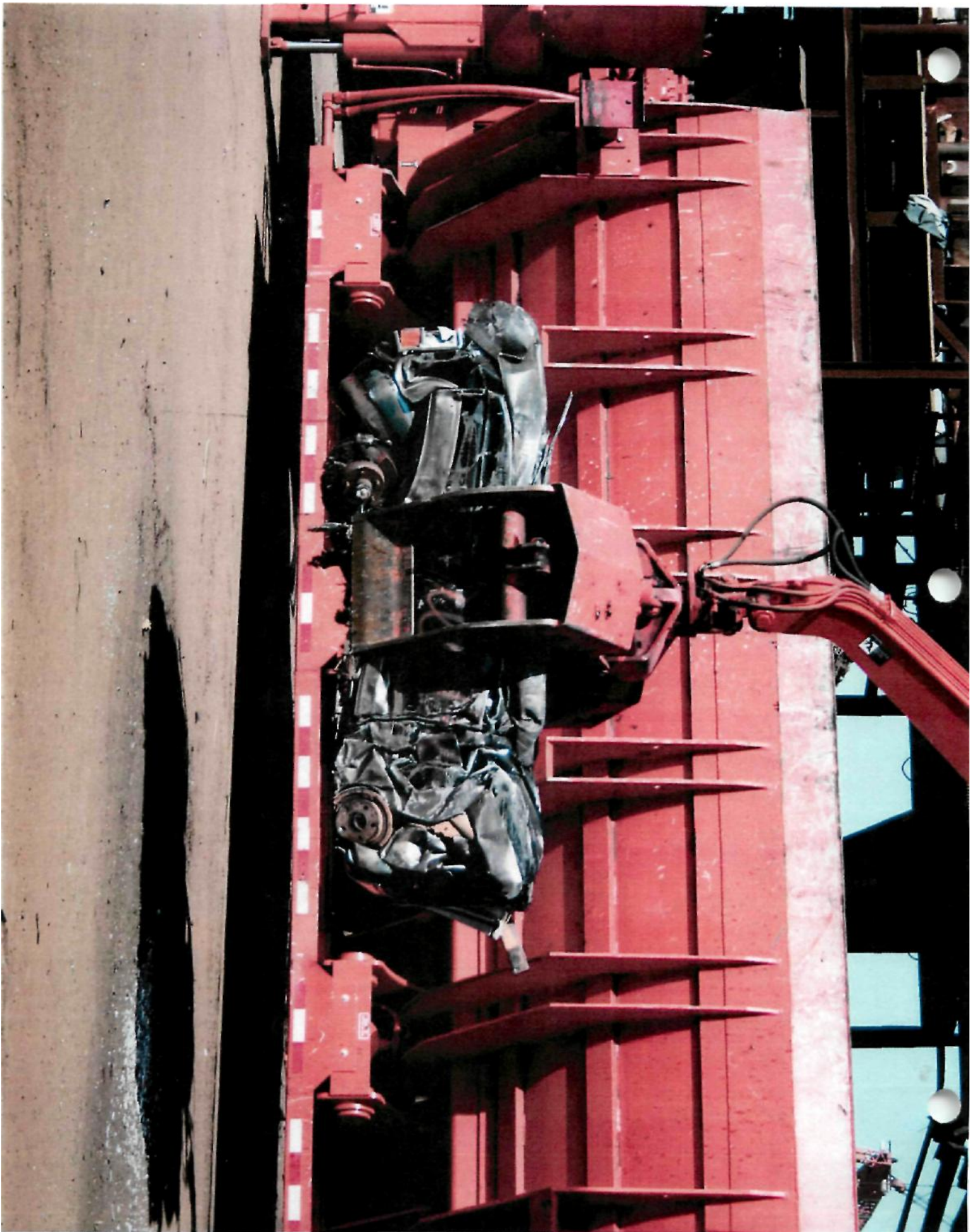
!ft

<<n

&



e^





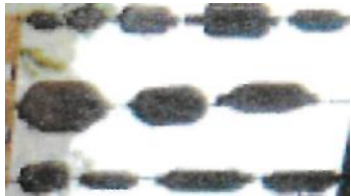
*





m

w



• 4

VSp*



T3HBE





Dale Purvis, Owner
Comsouth
5211 Highway 42
Hattiesburg, MS 39401
November 18,2011
City Council Members
City of Hattiesburg 200
Forrest Street
Hattiesburg, MS 39401
Dear Council Members:

I am a long-time resident of our city and Owner of Comsouth, and I am writing to express my concern about recent discussion and the pending decision to allow Southern Scrap to open a junk yard within the City limits at 101 Mixon Street (within a few blocks of my business). I understand that the decision is being considered because of the owner's appeal to the Council after their initial rejection before the Planning Commission.

I am all for job creation and for an increased tax base on which our City must operate but another junk yard in the Hattiesburg area is just not the kind of growth we need. It is my understanding that within Hattiesburg alone there are now already approximately three junk yards. My opposition to a proposed junk yard opening up along Old Highway 42 is on many grounds but primarily on the basis that with this proposed operation will potentially come increased traffic on Highway 42, unsightly piles of junk, noise from heavy equipment operation, and issues of safety created by potential pedestrians walking or biking to visit such an operation.

It is my hope that the Council will take these concerns in to consideration in making their decision. We do not need any more junk yards in the Hattiesburg area.

Dale Purvis ____

"IT CONNECT (Sh (i£^i

----- ! MOTOROLA -----

AjttKfOtaTwo-wtr RmaoDtMr

5211 Hwy 42 • Hattiesburg, MS 39401 Office (601) 584-9026

• FAX (601) 583-4455 • 1-877-5 84-2-WAY • www.comsouthllc.

III

IICUUCII

WH O LESA.LE

TELEPHONE (601) 582-3371

TOLL-FREE (800) 530-7537 5192

HIGHWAY 42

HATTIESBURG, MISSISSIPPI 39401

www.newellpaper.com

FAX (601) 545-5349

City Council Members City of Hattiesburg 200 Forrest Street Hattiesburg, MS 39401

Dear Council Members:

I am a long-time resident of our city and President of Newell Paper, and I am writing to express my concern about recent discussion and the pending decision to allow Southern Scrap to open a junk yard within the City limits at 101 Mixon Street (directly across the street from our business). I understand that the decision is being considered because of the owner's appeal to the Council after their initial rejection before the Planning Commission.

I am all for job creation and for an increased tax base on which our City must operate but another junk yard in the Hattiesburg area is just not the kind of growth we need. It is my understanding that within Hattiesburg alone there are now already approximately three junk yards. My opposition to a proposed junk yard opening up along Old Highway 42 is on many grounds but primarily on the basis that with this proposed operation will come increased traffic on Highway 42, unsightly piles of junk, noise from heavy equipment operation, and potentially unsafe conditions created as pedestrians walk or bike to and from such an operation along Highway 42.

It is my hope that the Council will take these concerns in to consideration in making their decision. We do not need any more junk yards in the Hattiesburg area.

Sincerely,

4 # 1

Bill Gates

President,

Newell Paper Company, Hattiesburg

"So MUCH MORE THAN PAPER"

The Experts on Cleaning and Maintenance

III |i^HI IIII

CH A.MTS

ISSA

SOUTHEASTERN CONCRETE CO., INC.

P.O. BOX 16748 HATTIESBURG,

MISSISSIPPI 39404-6748

Ray Sims Jr, Owner

Southeastern Concrete 105

Industrial Drive

Hattiesburg, MS 39402

November 21,2011

City Council Members City

of Hattiesburg 200 Forrest

Street Hattiesburg, MS

39401

Dear Council Members:

I am a long-time resident of our city and Owner of Southeastern Concrete, and I am writing to express my concern about recent discussion and the pending decision to allow Southern Scrap to open a junk yard within the City limits at 101 Mixon Street (directly across the street from our business). I understand that the decision is being considered because of the owner's appeal to the Council after their initial rejection before the Planning Commission.

I am all for job creation and for an increased tax base on which our City must operate but another junk yard in the Hattiesburg area is just not the kind of growth we need. It is my understanding that within Hattiesburg alone there are now already approximately three junk yards. My opposition to a proposed junk yard opening up along Old Highway 42 is on many grounds but primarily on the basis that with this proposed operation will come increased traffic on Highway 42, unsightly piles of junk, noise from heavy equipment operation, and potentially unsafe conditions created as pedestrians walk or bike to and from such an operation along Highway 42. It is my hope mat the Council will take these concerns in to consideration in making their decision. We do not need any more junk yards in the Hattiesburg area.

Sincerely,

REPORT IN OPPOSITION TO APPLICATION
BY SOUTHERN RECYCLING, LLC FOR A "USE
PERMITTED UPON REVIEW IN 1-1. LIGHT INDUSTRIAL

Terms and Definitions.

The Hattiesburg Land Development Code ("LDC") controls whether the application for the proposed use is permitted upon review. Section 5.92, LDC, defines "junk yard" as, "any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of. . . scrap metal or other scrap or discarded goods, materials, machinery or wrecked, dismantled, partially dismantled or inoperative motor vehicles or other type of junk."

Clearly, the proposed recycling yard falls under this definition. Therefore, this is also an obvious industrial use, not a commercial one, (emphasis added)

The United States government, in efforts to improve highway beautification defines "junk" as,

"old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material."

The Highway Beautification Act further states that a "junkyard" means, "an establishment or place of business which maintained, operated, or used for storing, keeping, buying, or selling junk ----- " (emphasis added)

Regardless of whether you call this type industrial activity a materials recovery center, a recycling center, a recycling yard or some other euphemistic description, these uses are clearly "junk yards." The proposed use, although smaller than what we normally perceive as a junkyard, it is still a junkyard as defined the Hattiesburg Land Development Code.

Use Permitted Upon Review Criteria.

Section 16.01, LDC, notes that in considering a proposed use permit, the Hattiesburg Planning Commission and Hattiesburg City Council shall consider facts related to the following principles:

1. The need to protect the stability, integrity, and character of Hattiesburg's residential neighborhoods.
2. The need to preserve and encourage the stability of the Hattiesburg business community.
3. The need to reinforce Hattiesburg's quality of life, preserve neighborhood identity, and boost community pride.
4. The need to conserve and protect Hattiesburg's physical infrastructure.
5. The public need for the proposed use, as opposed to the private interest of an individual.

The petitioner identified item 2 above as the basis for the City of Hattiesburg granting it a use permit for its industrial use. This is a most disingenuous assertion. There is no substantive proof to show that such an industrial use at this location will help stabilize the Hattiesburg business community. This industrial activity is characterized as one with many prospective environmental impacts, some of which are increased noise, dust, odors and traffic congestion. The nature of this industrial activity inherently causes such impacts on the local community, especially the area in which it is located. The number of nonresidential uses around the subject property are overwhelmingly commercial, not industrial. Therefore, the proposed industrial use will not stabilize the Hattiesburg business community, but will, most likely, contribute to the destabilizing of the businesses surrounding, or in the general area of, the proposed site.

Section 16.01, LDC, notes that the Hattiesburg Planning Commission and City Council shall consider facts related to all five of the named principles. The proposed use would not protect the stability, integrity and character of Hattiesburg residential neighborhoods. There are three neighborhood associations in the area surrounding the subject property,

- Midway Subdivision.

- Grace Avenue Northhills Drive.
- Longstreet.

Certainly, the addition of the proposed industrial use will be detrimental to these three neighborhood associations. Also, within 3/8th mile of the boundary of the subject property, there are over 50 occupied residential units.

The proposed industrial use does not reinforce Hattiesburg's quality of life, preserve neighborhood identity and boost community pride. As mentioned above, three neighborhood associations and numerous occupied residences exist in the immediate and general areas of the subject property. Without doubt, the granting of this proposed industrial use will be extremely disadvantageous to the several neighborhood associations and occupied residences identified in the area. Also, given the environmental problems associated with this type of industrial use, there is no likelihood that quality of life of this area or Hattiesburg will improve, that neighborhood identity will be preserved, and that community pride will be boosted. In fact, attached to this report as Exhibit A are two news articles indicating that on October 04, 2011, two fires broke out at Southern Recycling's junkyard facilities located in New Orleans.

The fourth principle asks the Hattiesburg Planning Commission and City Council to consider whether a specific use permitted upon review protects Hattiesburg's physical infrastructure. The proposed industrial use does nothing to protect our City's infrastructure. Indeed, it is likely to impair it in the context of the type of traffic expected at this industrial use, movements of this traffic into and out of the site and the congestion created on the local streets. The proposed industrial use is one which will severely tax the local infrastructure. Finally, the Planning Commission and City Council are to determine the need for the use, as opposed to the private interest of the applicant. There is no public need for the proposed industrial use in the location at Old Highway 42 and Mixon Street. There is a well-known facility for handling the activities proposed for this use within 2 miles of the subject property that is designed to handle all of the activities proposed by the applicant for the Mixon Street property. This existing business has been located in Hattiesburg for decades. Based upon the fact that Old Highway 42 leads to this existing business, it appears as if the applicant wants to intercept scrap sellers before they go further down the road to the existing metals recycling facility. There is no proof to establish public need to permit this proposed industrial use at the Mixon Street site on Old Highway 42. This application appears to be obvious attempt to enhance only the owner's self-serving, private interests and not that of any public need for Hattiesburg, Mississippi.

Land Use Survey,

A visual survey of the land use around the subject property for the proposed industrial use was conducted. This survey was done to determine the number of occupied residential units, churches and general commercial activities near the site of the proposed use. Attached to this report is a map (Exhibit i) showing rings drawn around the subject property at 1/8th mile (660 feet) intervals. The results of this survey for occupied residential units are shown below.

Intervals

1/8 mile

1/4 mile

3/8 mile

1/2 mile

of Occupied Residential Units.

12 units* 17

units 50

units 150

units+ **

*5 residential units are approximately 50 feet from the boundary of the subject property. **A number of apartment complexes are included in the area.

It should be noted that the applicant states the depth of its property is 600 feet-only 60 feet less than one-eighth of a mile. The reality is that there are a large number of occupied residential units within a short distance of the subject property. Further, there are 3 churches within this area. This survey of land use in the area also revealed that, by number of businesses, there is an overwhelming amount of community (B-3) and regional (B-5) businesses in the area versus industrial uses. Permitting the establishment of the proposed industrial use on the subject property is not needed and does not benefit the public of Hattiesburg.

Old Highway 42.

Old Highway 42 and Mixon Street are the roads on which this proposed industrial use is to be located. Old Highway 42 is no longer part of the primary system of federal highways. However, now as a local road, it is still very highly traveled by the general public, including truck traffic. To permit the proposed use on the subject property would likely cause traffic congestion at points of entry into the subject site and from the property back onto Old Highway 42. This increased congestion will impair the flow of traffic on Old Highway 42.

Zoning of the Subject Property.

The subject property is located in an I-1, Light Industrial district. Under the "Uses Permitted on Review of the Planning Commission," "junk yards" may be allowed upon a review of the applicable criteria of Section 16.01, LDC, which are discussed above. Such heavy industrial uses may be approved for development, but Section 16.01 also allows such uses to be denied if they are not in compliance with the LDC's stated criteria. The identification of the proposed industrial use as possibly being permitted upon review, also notes that the "Open Storage" section the LDC must be considered. There is good reason for this in that junk yards, recycling centers or material recovery facilities, invariably, utilize outdoor storage, in part or totally, for storage of materials they purchase, bale and hold until moved off-site to another larger facility. Section 87, LDC, has numerous requirements for such industrial uses, all of which are applicable to the proposed use by the petitioner, but two of which are of note. First, the site must be 3 acres or more in size, whereas the applicant's proposed site is barely 3 acres in size, if that. Secondly, open storage must be 500 feet from the public road or street. This property appears to be approximately 212 feet wide and abuts Mixon Street, a public street. It is 600 feet deep and abuts Old Highway 42. It is clear that open storage, which is an obvious characteristic of this industrial use, will violate these requirements of Section 16.01, LDC. This, again, shows that the proposed industrial use is inappropriate for location on the subject property.

The Good, the Bad and the Ugly.

Junkyards, recycling centers or yards and, even, material recovery facilities are widely discussed topics throughout the United States, especially in reference to limitations placed on them by zoning ordinances. Because of this, they are commonly discussed and pictured on the internet. A few photos of the what might be called "the good, the bad and the ugly" of this industry are attached to this report (see Exhibit C).

The simplest of searches on the subject of this industrial enterprise indicate that this type of industry is, invariably, located in rural or unincorporated areas rather than in cities, unless the uses have been long-established in those cities and are often "grandfathered in." It is incredibly easy to shown "the good, the bad and the ugly" of this industry because, from a planning and zoning point of view, they are located in all regions of our country.

Therefore, when one looks at "the good" of the industry, certain interesting facts arise.

Three relatively new material recovery facilities located in norther Virginia were examined. They are located in Springfield, Sterling and Manassas, Virginia. An investigation into zoning ordinances of these three communities resulted in finding that the three cities did not have zoning ordinances or, if one did, its ordinance did not allow such

uses as proposed here. This raised the question of what zoning ordinances controlled these three industries, and where are the uses located.

These three industries in northern Virginia are located in the unincorporated area of the counties in which they are located-not in any city. For example, the Loudoun County, Virginia zoning ordinance controls the locations and conditions imposed on junk yards or material recovery facilities. Its zoning ordinance strictly prohibits these types of industrial uses being located in its light industrial districts because such uses are "likely to be injurious or noxious by reason of odors, fumes, dust, smoke, vibration, noise and other causes." It appears that in areas which are, in part, highly urbanized such as Loudoun County, Virginia, there is still that inherently logical conclusion that such industrial uses as proposed by the applicant should be located in unincorporated areas away from residential uses, schools, churches and non-compatible general business activity.

Conclusion.

This application for use permitted upon review should be denied for the following reasons:

1. The proposed use is clearly an industrial use with notable environmental impacts that makes it an inappropriate use for the subject property located on Mixon Street.
2. The facts surrounding the proposed industrial use do not support the criteria for granting a use permitted on review under Section 16.01, LDC.
3. There is a significant number of residences which are occupied, churches and neighborhood associations surrounding the subject property.
4. The granting of a permit for this industrial use located on the subject property would result in increased traffic congestion and other adverse environmental impacts on the surrounding area.
5. The subject property cannot comply with the requirements for open storage in Section 87, LDC.
6. This type of industrial use is typically located in rural or unincorporated areas, and not in urbanized areas of cities, such as the site selected for the proposed industrial use in this application.

f:\V. \filesactivetaiterrecycling\reportOI 6

Two Separate Fires Burn Southern Recycling - WGNO Page 1 of 1

abc26.com/news/local/wgno-news-two-fires-at-southern-recycling-story ,0,2961121.story

WGNO

Two Separate Fires Burn Southern Recycling

Laila Morcos

ABC26 News

October 5, 2010

NEW ORLEANS

Two separate one-alarm fires were reported Tuesday at Southern Recycling.

About 40 New Orleans firefighters are fighting the two separate fires.

The first call came in at around 1 a.m. where firefighters responded to a de-commissioned military barge that's burning fuel near the Intracoastal Waterway and Industrial Canal.

While firefighters were working the barge fire, they noticed nearby foam that was catching fire, more crews responded.

No injuries have been reported.

Windy dry conditions may have ignited the fires.

Copyright © 2011, WGNO-TV

fcttyhbrt A £z-f*^^

<http://www.abc26.com/news/local/wgno-news-two-fires-at-southern-recycling-story ,0,13...>

11/21/2011

Fire at Industrial Canal scrap yard sending smoke around city Page 1 of 1

nola

.COM

Everything Nev. Orleans

Fire at Industrial Canal scrap yard sending smoke around city

Published: Sunday, October 09, 2011, 7:54 PM Updated: Sunday, October 09, 2011, 7:57 PM

By

Stephen Babcock, The Times-Picayune

Firefighters are at the scene of a blaze at a Lower 9th Ward scrap facility near the Industrial Canal on Sunday evening,

according to the New Orleans Fire Department.

The one-alarm fire is burning at the large Southern Recycling plant in the 4800 block of Florida Avenue. The blaze, which was reported to the Department around 5:30 p.m., was described as a sand fire.

Dense smoke from the blaze is visible around the city.

No information was immediately available about how the fire started, or whether anyone was injured.

© 2011 NOLA.com. All rights reserved.

http://blog.nola.com/traffic/print.html?entry=/2011/10/fire_at_industrial_canal_scrap.html
11/21/2011

&ct+ie>i^ 3>

■ 3&S-&

j^HSjrJr d&e«*f\$

H :

H5"t^~ w ^ 1 ^B

^eaSOta. ----- • - ~^B1

k^Mte:

ii

»_._----■*■-?

■ _^^5J^***^5**^PH P

'-"•" _...-.-.-----

: IRRKIffl

aBi '■';"M

BJIBh:

-

IWBP^

fc" A^sw

...._JH^1
atjJ5.SH

/'

S& :_-

•433

•:> ■ ".V*

&~i

r

.j»Z

SMSar^fe?*

'FSZSHm*~:

3&%£~- r

...<«*

~* ^ j

,~NV:J J.-^

IT**:

•

■

?

AS



Dale Purvis, Owner
Comsouth
5211 Highway 42
Hattiesburg, MS 39401
November 18, 2011

City Council Members
City of Hattiesburg 200
Forrest Street
Hattiesburg, MS 39401

Dear Council Members:

I am a long-time resident of our city and Owner of Comsouth, and I am writing to express my concern about recent discussion and the pending decision to allow Southern Scrap to open a junk yard within the City limits at 101 Mixon Street (within a few blocks of my business). I understand that the decision is being considered because of the owner's appeal to the Council after their initial rejection before the Planning Commission.

I am all for job creation and for an increased tax base on which our City must operate but another junk yard in the Hattiesburg area is just not the kind of growth we need. It is my understanding that within Hattiesburg alone there are now already approximately three junk yards. My opposition to a proposed junk yard opening up along Old Highway 42 is on many grounds but primarily on the basis that with this proposed operation will potentially come increased traffic on Highway 42, unsightly piles of junk, noise from heavy equipment operation, and issues of safety created by potential pedestrians walking or biking to visit such an operation.

It is my hope that the Council will take these concerns in to consideration in making their decision. We do not need any more junk yards in the Hattiesburg area.

Dale Purvis

"IT **CONNECT** (Sh (i£^i

MOTOROLA
AjttKfOtaTwo-wtr
Rmo0DtMr

IIICUUCII
WH O LESA.LE



TELEPHONE (601) 582-3371
TOLL-FREE (800) 530-7537

5192
HIGHWAY 42
HATTIESBURG, MISSISSIPPI 39401
www.newellpaper.com

FAX (601) 545-5349

City Council Members
City of Hattiesburg 200
Forrest Street
Hattiesburg, MS 39401

Dear Council Members:

I am a long-time resident of our city and President of Newell Paper, and I am writing to express my concern about recent discussion and the pending decision to allow Southern Scrap to open a junk yard within the City limits at 101 Mixon Street (directly across the street from our business). I understand that the decision is being considered because of the owner's appeal to the Council after their initial rejection before the Planning Commission.

I am all for job creation and for an increased tax base on which our City must operate but another junk yard in the Hattiesburg area is just not the kind of growth we need. It is my understanding that within Hattiesburg alone there are now already approximately three junk yards. My opposition to a proposed junk yard opening up along Old Highway 42 is on many grounds but primarily on the basis that with this proposed operation will come increased traffic on Highway 42, unsightly piles of junk, noise from heavy equipment operation, and potentially unsafe conditions created as pedestrians walk or bike to and from such an operation along Highway 42.

It is my hope that the Council will take these concerns in to consideration in making their decision. We do not need any more junk yards in the Hattiesburg area.

Sincerely,

4 # 1

Bill Gates
President,
Newell Paper Company, Hattiesburg



The Experts
on Cleaning and Maintenance

ISSA

"SO MUCH MORE THAN PAPER"

SOUTHEASTERN CONCRETE CO., INC.

**P.O. BOX 16748 HATTIESBURG,
MISSISSIPPI 39404-6748**

**Ray Sims Jr, Owner
Southeastern Concrete 105
Industrial Drive
Hattiesburg, MS 39402
November 21,2011**

**City Council Members City
of Hattiesburg 200 Forrest
Street Hattiesburg, MS
39401**

Dear Council Members:

I am a long-time resident of our city and Owner of Southeastern Concrete, and I am writing to express my concern about recent discussion and the pending decision to allow Southern Scrap to open a junk yard within the City limits at 101 Mixon Street (directly across the street from our business). I understand that the decision is being considered because of the owner's appeal to the Council after their initial rejection before the Planning Commission.

I am all for job creation and for an increased tax base on which our City must operate but another junk yard in the Hattiesburg area is just not the kind of growth we need. It is my understanding that within Hattiesburg alone there are now already approximately three junk yards. My opposition to a proposed junk yard opening up along Old Highway 42 is on many grounds but primarily on the basis that with this proposed operation will come increased traffic on Highway 42, unsightly piles of junk, noise from heavy equipment operation, and potentially unsafe conditions created as pedestrians walk or bike to and from such an operation along Highway 42.

It is my hope mat the Council will take these concerns in to consideration in making their decision. We do not need any more junk yards in the Hattiesburg area.

Sincerely,

**REPORT IN OPPOSITION TO APPLICATION
BY SOUTHERN RECYCLING, LLC FOR A "USE
PERMITTED UPON REVIEW IN 1-1. LIGHT INDUSTRIAL**

Terms and Definitions.

The Hattiesburg Land Development Code ("LDC") controls whether the application for the proposed use is permitted upon review. Section 5.92, LDC, defines "junk yard" as,

"any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of. . . scrap metal or other scrap or discarded goods, materials, machinery or wrecked, dismantled, partially dismantled or inoperative motor vehicles or other type of junk."

Clearly, the proposed recycling yard falls under this definition. Therefore, this is also an obvious industrial use, not a commercial one, (emphasis added)

The United States government, in efforts to improve highway beautification defines "junk" as,

"old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous on nonferrous material."

The Highway Beautification Act further states that a "junkyard" means,

"an establishment or place of business which maintained, operated, or used for storing, keeping, buying, or selling junk-----" (emphasis added)

Regardless of whether you call this type industrial activity a materials recovery center, a recycling center, a recycling yard or some other euphemistic description, these uses are clearly "junk yards." The proposed use, although smaller than what we normally perceive as a junkyard, it is still a junkyard as defined the Hattiesburg Land Development Code.

Use Permitted Upon Review Criteria.

Section 16.01, LDC, notes that in considering a proposed use permit, the Hattiesburg Planning Commission and Hattiesburg City Council shall consider facts related to the following principles:

1. The need to protect the stability, integrity, and character of Hattiesburg's residential neighborhoods.
2. The need to preserve and encourage the stability of the Hattiesburg business community.
3. The need to reinforce Hattiesburg's quality of life, preserve neighborhood identity, and boost community pride.
4. The need to conserve and protect Hattiesburg's physical infrastructure.
5. The public need for the proposed use, as opposed to the private interest of an individual.

The petitioner identified item 2 above as the basis for the City of Hattiesburg granting it a use permit for its industrial use. This is a most disingenuous assertion. There is no substantive proof to show that such an industrial use at this location will help stabilize the Hattiesburg business community. This industrial activity is characterized as one with many prospective environmental impacts, some of which are increased noise, dust, odors and traffic congestion. The nature of this industrial activity inherently causes such impacts on the local community, especially the area in which it is located. The number of nonresidential uses around the subject property are overwhelmingly commercial, not industrial. Therefore, the proposed industrial use will not stabilize the Hattiesburg business community, but will, most likely, contribute to the destabilizing of the businesses surrounding, or in the general area of, the proposed site.

Section 16.01, LDC, notes that the Hattiesburg Planning Commission and City Council shall consider facts related to all five of the named principles. The proposed use would not protect the stability, integrity and character of Hattiesburg residential neighborhoods. There are three neighborhood associations in the area surrounding the subject property,

- Midway Subdivision.

- Grace Avenue Northhills Drive.
- Longstreet.

Certainly, the addition of the proposed industrial use will be detrimental to these three neighborhood associations. Also, within 3/8th mile of the boundary of the subject property, there are over 50 occupied residential units.

The proposed industrial use does not reinforce Hattiesburg's quality of life, preserve neighborhood identity and boost community pride. As mentioned above, three neighborhood associations and numerous occupied residences exist in the immediate and general areas of the subject property. Without doubt, the granting of this proposed industrial use will be extremely disadvantageous to the several neighborhood associations and occupied residences identified in the area. Also, given the environmental problems associated with this type of industrial use, there is no likelihood that quality of life of this area or Hattiesburg will improve, that neighborhood identity will be preserved, and that community pride will be boosted. In fact, attached to this report as Exhibit A are two news articles indicating that on October 04,2011, two fires broke out at Southern Recycling's junkyard facilities located in New Orleans.

The fourth principle asks the Hattiesburg Planning Commission and City Council to consider whether a specific use permitted upon review protects Hattiesburg's physical infrastructure. The proposed industrial use does nothing to protect our City's infrastructure. Indeed, it is likely to impair it in the context of the type of traffic expected at this industrial use, movements of this traffic into and out of the site and the congestion created on the local streets. The proposed industrial use is one which will severely tax the local infrastructure.

Finally, the Planning Commission and City Council are to determine the need for the use, as opposed to the private interest of the applicant. There is no public need for the proposed industrial use in the location at Old Highway 42 and Mixon Street. There is a well-known facility for handling the activities proposed for this use within 2 miles of the subject property that is designed to handle all of the activities proposed by the applicant for the Mixon Street property. This existing business has been located in Hattiesburg for decades. Based upon the fact that Old Highway 42 leads to this existing business, it appears as if the applicant wants to intercept scrap sellers before they go further down the road to the existing metals recycling facility. There is no proof to establish public need to permit this proposed industrial use at the Mixon Street site on Old Highway 42. This application appears to be obvious attempt to enhance only the owner's self-serving, private interests and not that of any public need for Hattiesburg, Mississippi.

Land Use Survey,

A visual survey of the land use around the subject property for the proposed industrial use was conducted. This survey was done to determine the number of occupied residential units, churches and general commercial activities near the site of the proposed use. Attached to this report is a map (*Exhibit i*) showing rings drawn around the subject property at 1/8th mile (660 feet) intervals. The results of this survey for occupied residential units are shown below.

<u>Intervals</u>	<u># of Occupied Residential Units.</u>
1/8 mile	12 units* 17
1/4 mile	units 50
3/8 mile	units 150
1/2 mile	units+ **

*5 residential units are approximately 50 feet from the boundary of the subject property. **A number of apartment complexes are included in the area.

It should be noted that the applicant states the depth of its property is 600 feet-only 60 feet less than one-eighth of a mile. The reality is that there are a large number of occupied residential units within a short distance of the subject property. Further, there are 3 churches within this area. This survey of land use in the area also revealed that, by number of businesses, there is an overwhelming amount of community (B-3) and regional (B-5) businesses in the area versus industrial uses. Permitting the establishment of the proposed industrial use on the subject property is not needed and does not benefit the public of Hattiesburg.

Old Highway 42.

Old Highway 42 and Mixon Street are the roads on which this proposed industrial use is to be located. Old Highway 42 is no longer part of the primary system of federal highways. However, now as a local road, it is still very highly traveled by the general public, including truck traffic. To permit the proposed use on the subject property would likely cause traffic congestion at points of entry into the subject site and from the property back onto Old Highway 42. This increased congestion will impair the flow of traffic on Old Highway 42.

Zoning of the Subject Property.

The subject property is located in an I-1, Light Industrial district. Under the "Uses Permitted on Review of the Planning Commission," "junk yards" may be allowed upon a review of the applicable criteria of Section 16.01, LDC, which are discussed above. Such heavy industrial uses may be approved for development, but Section 16.01 also allows such uses to be denied if they are not in compliance with the LDC's stated criteria. The identification of the proposed industrial use as possibly being permitted upon review, also notes that the "Open Storage" section the LDC must be considered. There is good reason for this in that junk yards, recycling centers or material recovery facilities, invariably, utilize outdoor storage, in part or totally, for storage of materials they purchase, bale and hold until moved off-site to another larger facility. Section 87, LDC, has numerous requirements for such industrial uses, all of which are applicable to the proposed use by the petitioner, but two of which are of note. First, the site must be 3 acres or more in size, whereas the applicant's proposed site is barely 3 acres in size, if that. Secondly, open storage must be 500 feet from the public road or street. This property appears to be approximately 212 feet wide and abuts Mixon Street, a public street. It is 600 feet deep and abuts Old Highway 42. It is clear that open storage, which is an obvious characteristic of this industrial use, will violate these requirements of Section 16.01, LDC. This, again, shows that the proposed industrial use is inappropriate for location on the subject property.

The Good, the Bad and the Ugly.

Junkyards, recycling centers or yards and, even, material recovery facilities are widely discussed topics throughout the United States, especially in reference to limitations placed on them by zoning ordinances. Because of this, they are commonly discussed and pictured on the internet. A few photos of the what might be called "the good, the bad and the ugly" of this industry are attached to this report (see Exhibit C).

The simplest of searches on the subject of this industrial enterprise indicate that this type of industry is, invariably, located in rural or unincorporated areas rather than in cities, unless the uses have been long-established in those cities and are often "grandfathered in." It is incredibly easy to shown "the good, the bad and the ugly" of this industry because, from a planning and zoning point of view, they are located in all regions of our country. Therefore, when one looks at "the good" of the industry, certain interesting facts arise.

Three relatively new material recovery facilities located in norther Virginia were examined. They are located in Springfield, Sterling and Manassas, Virginia. An investigation into zoning ordinances of these three communities resulted in finding that the three cities did not have zoning ordinances or, if one did, its ordinance did not allow such

uses as proposed here. This raised the question of what zoning ordinances controlled these three industries, and where are the uses located.

These three industries in northern Virginia are located in the **unincorporated area** of the counties in which they are located not in any city. For example, the Loudoun County, Virginia zoning ordinance controls the locations and conditions imposed on junk yards or material recovery facilities. Its zoning ordinance strictly prohibits these types of industrial uses being located in its light industrial districts because such uses are "likely to be injurious or noxious by reason of odors, fumes, dust, smoke, vibration, noise and other causes." It appears that in areas which are, in part, highly urbanized such as Loudoun County, Virginia, there is still that inherently logical conclusion that such industrial uses as proposed by the applicant should be located in unincorporated areas away from residential uses, schools, churches and non-compatible general business activity.

Conclusion.

This application for use permitted upon review should be denied for the following reasons:

1. The proposed use is clearly an industrial use with notable environmental impacts that makes it an inappropriate use for the subject property located on Mixon Street.
2. The facts surrounding the proposed industrial use do not support the criteria for granting a use permitted on review under Section 16.01, LDC.
3. There is a significant number of residences which are occupied, churches and neighborhood associations surrounding the subject property.
4. The granting of a permit for this industrial use located on the subject property would result in increased traffic congestion and other adverse environmental impacts on the surrounding area.
5. The subject property cannot comply with the requirements for open storage in Section 87, LDC.
6. This type of industrial use is typically located in rural or unincorporated areas, and not in urbanized areas of cities, such as the site selected for the proposed industrial use in this application.

abc26.com/news/local/wgno-news-two-fires-at-southern-recycling-story ,0,2961121.story

WGNO

Two Separate Fires Burn Southern Recycling

Laila Morcos

ABC26 News

October 5,2010

NEW ORLEANS

Two separate one-alarm fires were reported Tuesday at Southern Recycling.

About 40 New Orleans firefighters are fighting the two separate fires.

The first call came in at around 1 lam where firefighters responded to a de-commissioned military barge that's burning fuel near the Intracoastal Waterway and Industrial Canal.

While firefighters were working the barge fire, they noticed nearby foam that was catching fire, more crews responded.

No injuries have been reported.

Windy dry conditions may have ignited the fires.

Copyright © 2011, WGNO-TV

fcttyhbrt A £z-f^^*

<http://www.abc26.com/news/local/wgno-news-two-fires-at-southern-recycling-story> ,0,13...
11/21/2011



Everything Nev. Orleans

Fire at Industrial Canal scrap yard sending smoke around city

Published: Sunday, October 09, 2011, 7:54 PM

Updated: Sunday, October 09, 2011, 7:57 PM

Stephen Babcock, The Times-Picayune

By

Firefighters are at the scene of a blaze at a Lower 9th Ward scrap facility near the Industrial Canal on Sunday evening, according to the New Orleans Fire Department.



The one-alarm fire is burning at the large Southern Recycling plant in the **4800 block of Florida Avenue**. The blaze, which was reported to the Department around 5:30 p.m., was described as a sand fire.

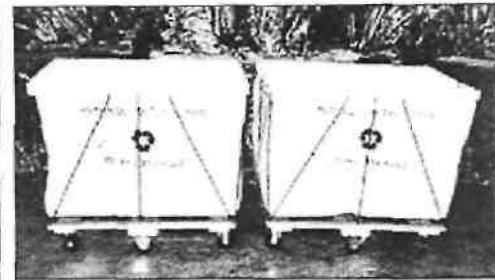
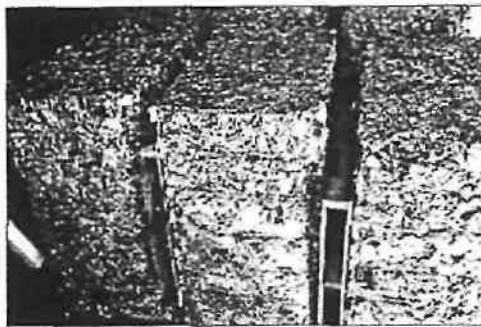
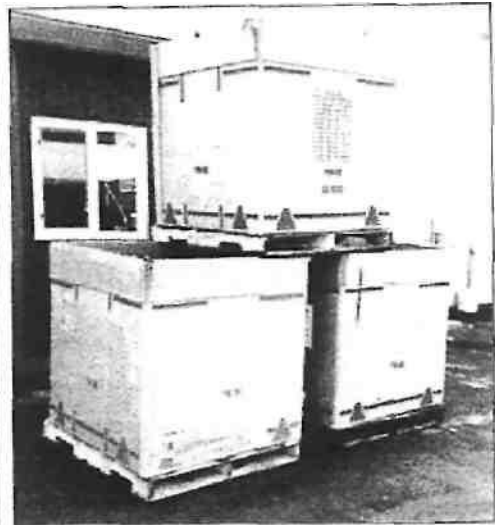
Dense smoke from the blaze is visible around the city.

No information was immediately available about how the fire started, or whether anyone was injured.

© 2011 [NOLA.com](http://nola.com). All rights reserved.

&ct+ie>i^3>

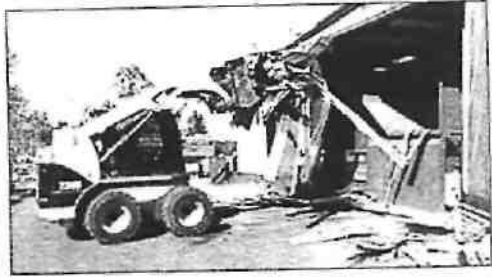
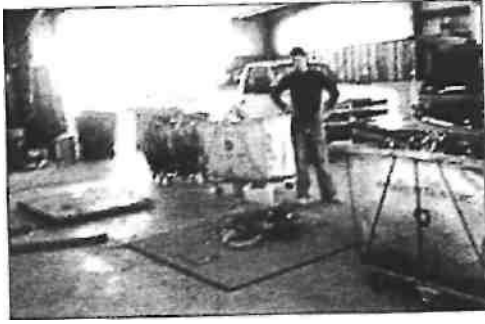




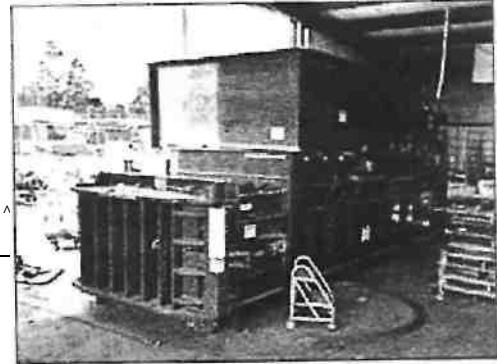
■3&S-&



*j^HSjrJr d&e«*f\$*



H :



fc, A^sw
k^Mte:
ii

..^5J^**^5**^PH

P

»_—■*—?

IRRKlff

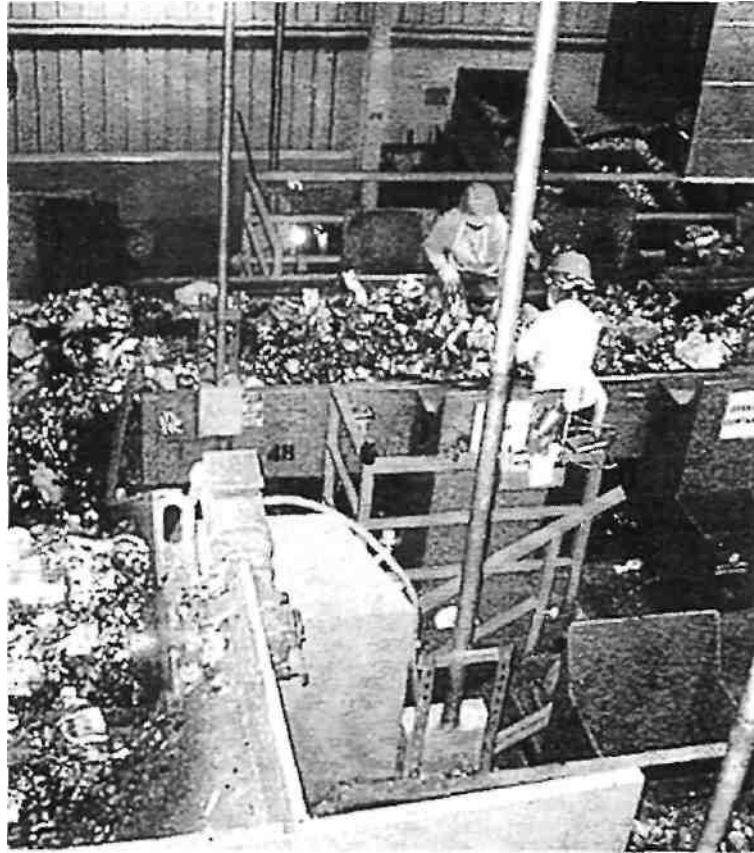
aBi '■;
"M

BJIBh:

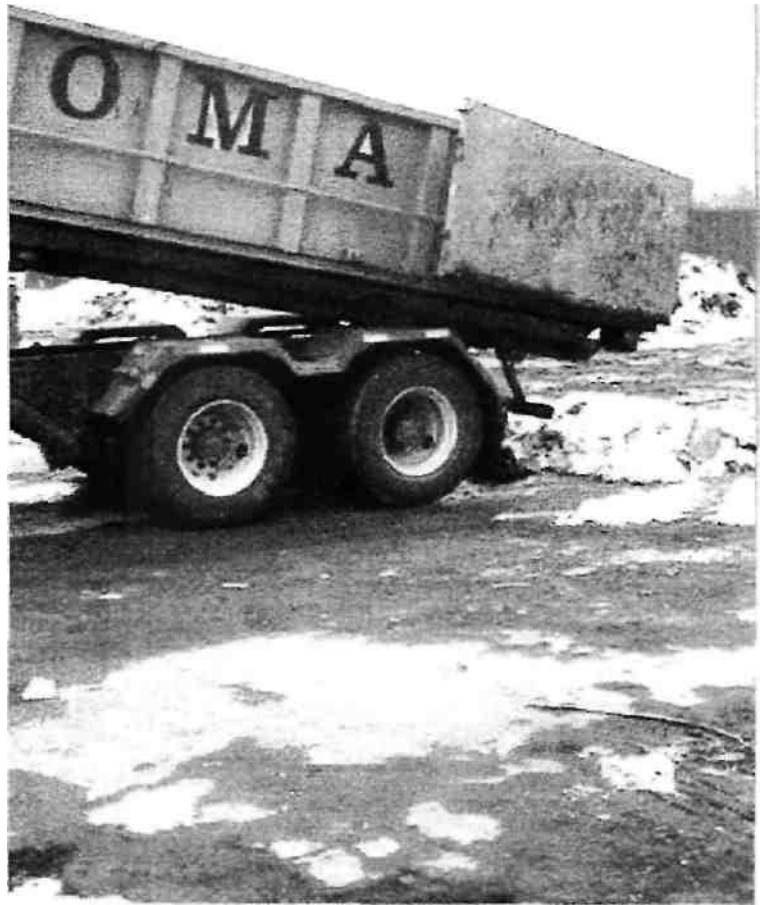
IWBp^













...._JH^1



l'

r



433

AS S& _

•> ■ " .V*

&~i

.j>>Z

SMSar^fe?*

'FSZSHm² :

3&%£~- r

?



...<«*



IT**:

PUBLIC HEARING

Please give your name and address. , ■ I I

rotate H<-s^/V£. -

Print Address Signature

Print Name

tJMjX JJMtI _____ 7-7°/^IAO" S£ ----- /&r<+&//
%-

L.rc /lQ~rt~<> n-rO/UiAQr, <\$£.

S3-

34

MM

*

/)7M

MM

g^;

Pent*

. g(

/\$T'VCT

A- £« t /"Ti(f%"

PUBLIC HEARING

Please give your name and address.

rotate H<-s^/V£. -

Print Name Print Address Signature

L.rc /IQ~rt~<> n-rO/UiAQr, <\$£. tJMjX JJMtI 7-7°/^IAO" SE-----
%-

Patti Marney Cow S3-
Tim Glaser 7M
Kester Long /\$T'VCT
Bryce Jay Hampton

Patti Marney
Tim Glaser

0001_5_Sign-in Sheet, Southern Recycling Public Hearing.pdf
0001_6_sign-in sheet 2, Southern Recycling Public Hearing.pdf
0000_Agenda.pdf
0001_0_Master.pdf
0001_1_Hold Appeal Public Hearing - 101 Mixon Street.pdf
0001_2_Statement in Support of Southern Recycling Use Permit.pdf
0001_3_Southern Recycling photos, Landry and Lewis.pdf
0001_4_Documents in Opposition, Southern Recycling Use Permit.pdf

CITIZEN FORUM/CITIZEN COMMENTS

Please give your name and address. o\ I I /

Signature

fpq H»P-* - &?•

Aft q&aJ:

Ulc/1^ -

^ftV^WWVv')^

3 It, #*\$&& ££- 3^>

Print Name

A-ftT-J

Osf;-rv\p>:

Print Address

Qtoy^u^olj j3\$M fldgiir>g.Sr

4E4-

H LC^g^ \oV) \X)fjA<L

~te^ RAfikct £P. ELMSHi

^1

CITIZEN FORUM/CITIZEN COMMENTS

Please give your name and address.

o\I I/

Print Name

Print Address Signature

Qtoy^u^olj j3\$M fldgiir>g.Sr fpq H>>P-*- &?•

4E4-

loV) lX)fjA<L

A-ftT-J

Marie

Osf:-rVP>:

Shem^1

Rev. Bruce

ME

Se

in mps

20.304119 Jackson m-J

~te^ RA kct £P. ELMSHi

Aft

q&aJ:

Ulc/1^ -

^ftV^WWVv')/)^

3 It, #*\$&& ££-

H LC^g^

Marie Hiale

Donna

Shari

Rev. David

Donna

3^>