

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2006-112

Petitioner: Charlotte-Mecklenburg Planning Commission

Request: This amendment will mitigate the negative impacts between residential and general industrial uses.

Background

In 2003, the City Council asked staff to develop standards for heavy industrial uses permitted in the I-2 zoning district when located in residential areas. This request was in association with corrective rezonings for the North Davidson, North Sharon Amity, Old Concord Road areas, as well as the asphalt plant proposed in the Optimist Park neighborhood.

Staff presented the Economic Development and Planning Committee with four options: amend the ordinance, create a new district, create an overlay, do nothing. ED and P directed staff to amend the I-2 district and add stricter development standards for certain uses.

The Industrial Stakeholders group was formed and included industry representatives, neighborhood leaders, Hazmat representative, realtors, and persons involved in the corrective rezonings. The Stakeholders met 6 times and a proposed text amendment has been formulated.

The proposed text changes were approved to move forward by the ED&P Committee of the City Council on November 30, 2005.

Summary

Major changes include moving uses from by-right to by prescribed condition, establishing the prescribed conditions, buffers, location of, loading areas, outdoor storage and dumpsters; security fencing. See attached for more information.

Consistency and Conclusion

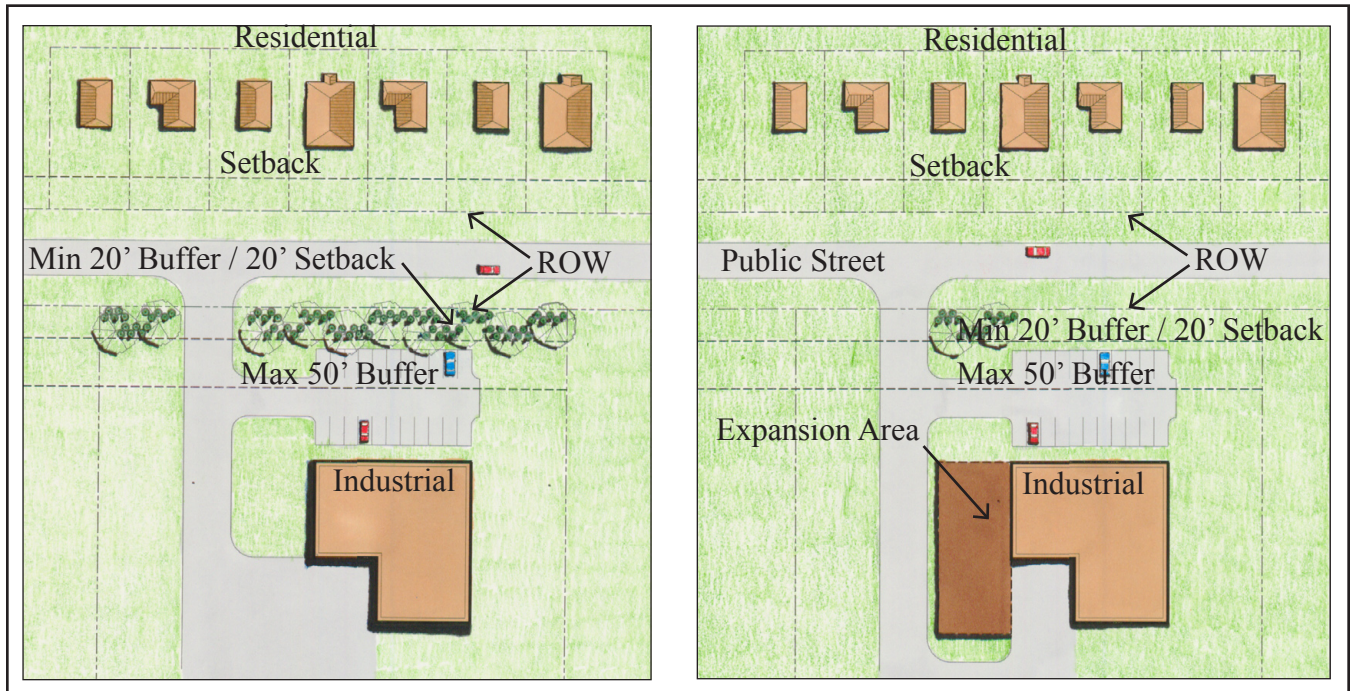
This text amendment is appropriate for approval and is consistent with the purposes, goals, and objectives of the Zoning Ordinance and other policies and plans.

MAJOR HIGHLIGHTS OF THE INDUSTRIAL TEXT AMENDMENTS PROPOSED BY THE INDUSTRIAL STUDY COMMITTEE

Amend the “Development standards for industrial districts” as follows:

BUFFERS:

- Require a buffer along any street frontage of a new or expanded industrial use located in I-1 or I-2 zoning districts that is directly across the public right-of-way from a residentially zoned or used property. A full buffer along the entire street frontage is not necessarily required.
 - Buffer width: One-half the width of a Class A buffer.



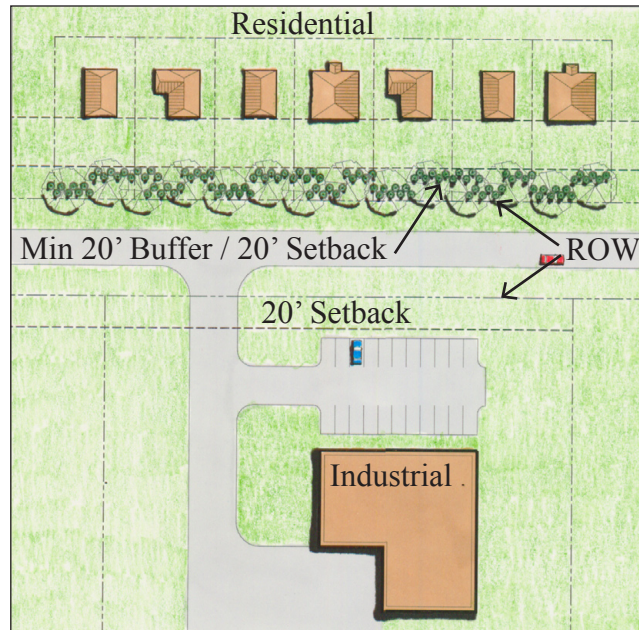
Existing Residential with new industrial:

- Residential across the street from new industrial
- Buffers required along the street frontage of the new industrial use.
- Buffers are 20' to 50' in width based on acreage.

New industrial expansion:

- Existing residential across the street from an expanding industrial use.
- Buffers required along the street in the area of the expansion.
- Buffers are 20' to 50' in width based on acreage.

- Require a buffer along any street frontage of a new residential use located in a residentially zoned district that is directly across the public right-of-way from an industrially zoned or used property. A full buffer along the entire street frontage is not necessarily required.
 - Buffer width: One-half the width of a Class A buffer.



New residential with existing industrial:

- New residential across the street from existing industrial.
- Buffers required for area abutting existing industrial.
- Buffers are 20' to 50' in width based on acreage.

Pros: Better visual separation, reduction in the noise and any fumes associated with the industry. Buffers may be used to meet the tree save requirements, street tree planting requirements, and / or reverse frontage treatment. Setbacks are 20'. The buffer will range between 20' and 50' depending on the acreage and may be located within the setback.

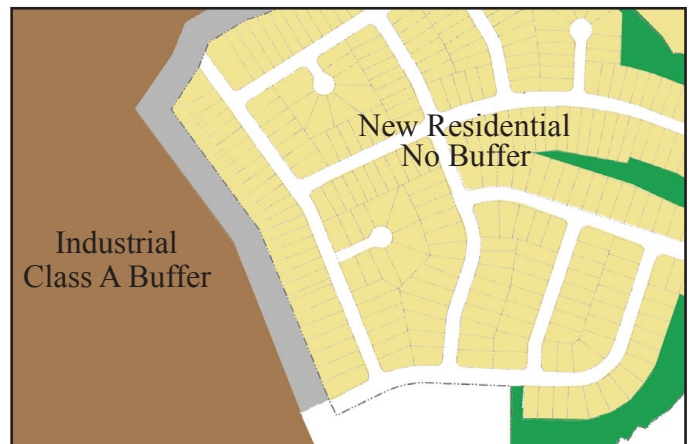
Cons: Additional cost associated with landscaping and parcel size.

Stakeholder Concerns: When are the buffers required?

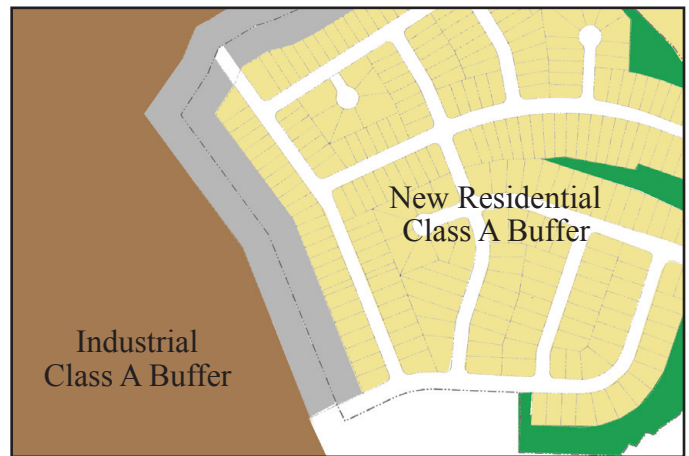
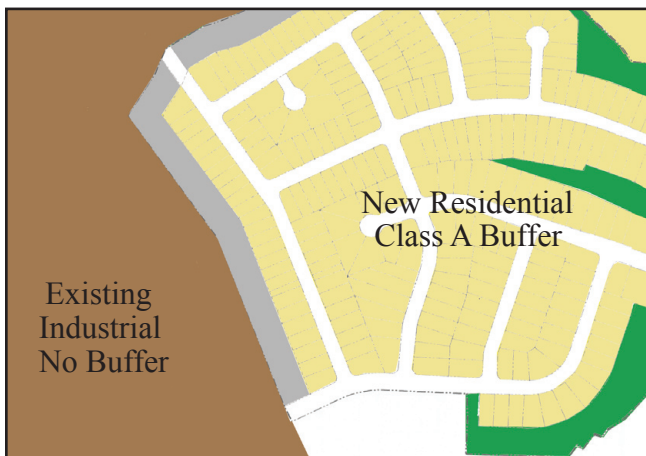
Staff Response: The buffers are not retroactive, will be required only with new construction/development or additions in the area adjacent to the residential use and will only be required in the area along the property line or street frontage that is closest to, and relates to, the addition), with the exception that areas used for parking, or existing buildings, do not have to be removed to provide a buffer.

- New residential uses developed abutting industrial uses or zoning districts shall be responsible for providing 100 percent of a Class A buffer specified for the more intensive use, regardless of any buffer on the industrial property. A buffer provided by a residential property abutting a developed industrial zoned property shall not count toward the buffer required by the industrial property. (In the examples below, all properties are greater than 10 acres in size.)

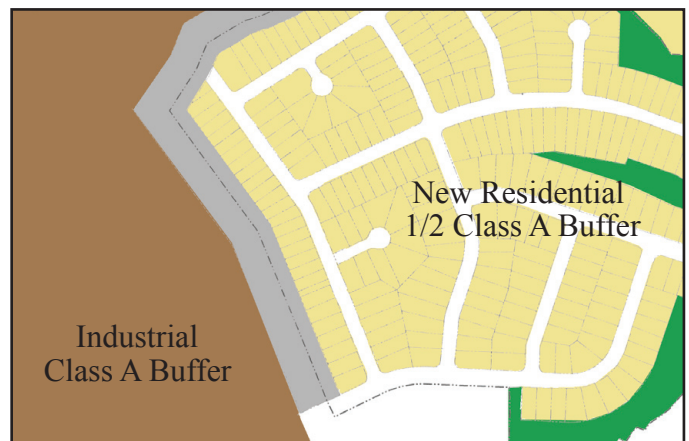
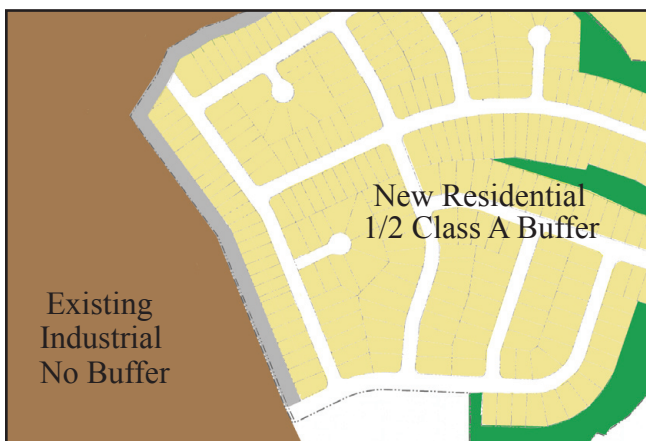
Existing Conditions



Stakeholders Recommendation



Staff Recommendations



- If the land use relationships between two abutting lots change so that a lesser buffer would be required under these regulations, the width of the buffer may be reduced accordingly.
- Buffers required for industrial properties cannot be reduced by 25% if a wall, fence, or berm is provided.

Pros: Better visual separation, reduction in the noise and any fumes associated with the industry. Buffers may be used to meet the tree save requirements, street tree planting requirements, and / or reverse frontage treatment.

Cons: Additional cost associated with landscaping and parcel size for the residential development.

Stakeholder Concerns: The buffer requirement between industrial and residential should be the same. Residential uses and institutional uses, when locating abutting an existing industrial use, should be required to put in the same class of buffer at the same width as would an industrial use locating adjacent to a residential or institutional use. In addition, too much burden is being placed on businesses and in the long run the proposed change would help the resale value of all properties.

Staff Response: Staff recommends that 50% of a Class A buffer should be required instead of a 100% buffer, and that the buffer should be reserved as common open space, and that the width of the buffer not be reduced by 25% if a wall, fence, or berm is provided.

LOADING AREAS:

- Require that loading and unloading areas shall not be located within 60' of residentially used or zoned property. Distances shall be measured from the closest edge of the loading/unloading area to the property line of the residentially used or zoned property.

Stakeholder Concerns: Define a "loading dock".

Staff Response: Staff proposes to add the following definition for "Loading Space", which is the term used in the Zoning Ordinance: "An off-street space on the same lot with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or materials."

OUTDOOR STORAGE:

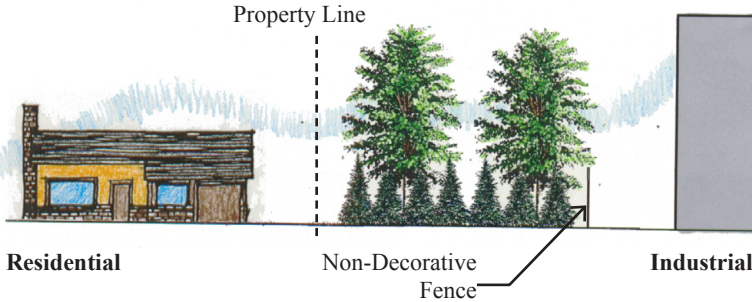

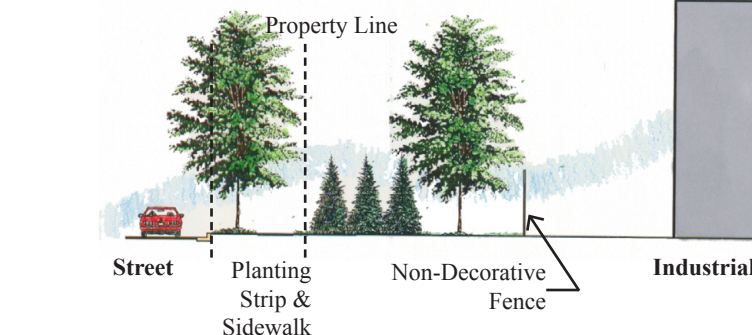
- Outdoor storage areas shall be screened from the public right-of-way and from property used or zoned for residential purposes, as per Section 12.303.

DUMPSTERS, SOLID WASTE CONTAINERS, AND RECYCLING CONTAINERS:

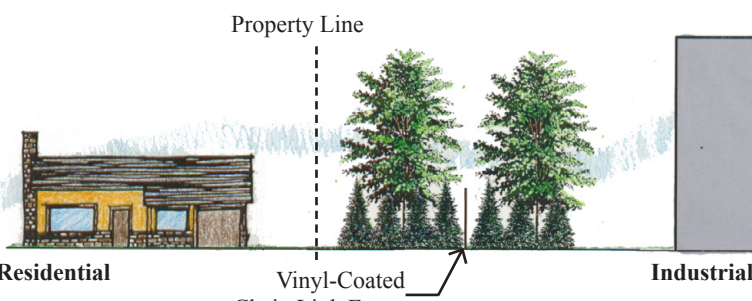

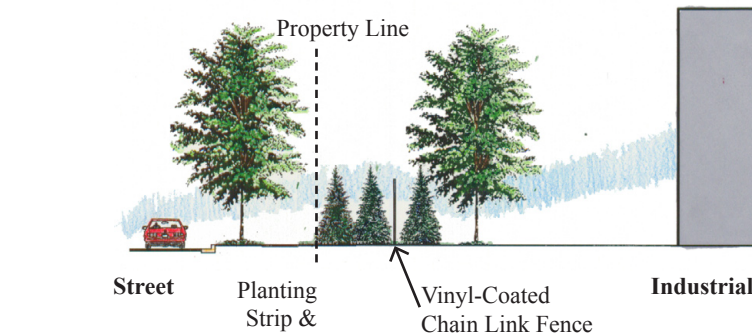
- For new development of any use in the I-2 zoning district, dumpsters, solid waste containers, and recycling containers shall be a minimum of 60' from residentially used or zoned property. Distances shall be measured from the closest edge of the loading/unloading area to the property line of the residentially used or zoned property.

SECURITY FENCING:

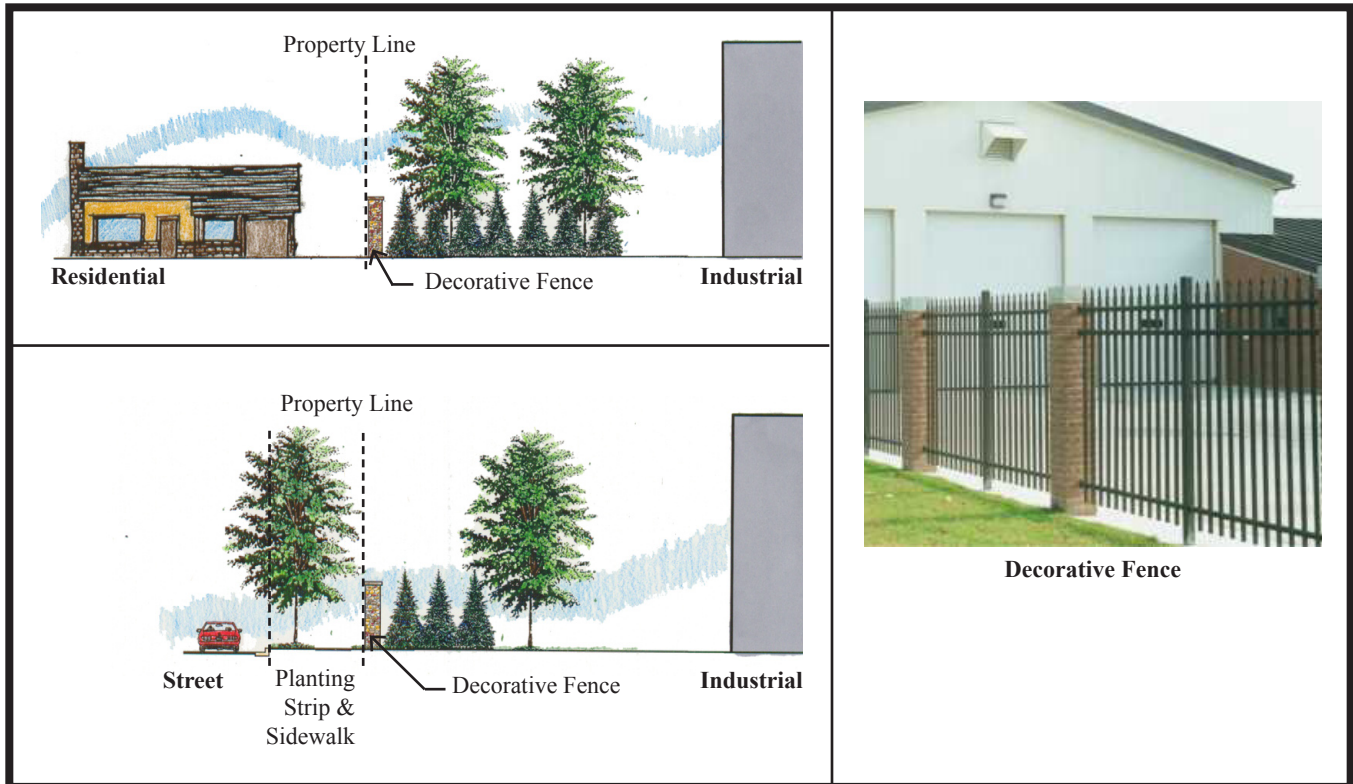
- If security fencing is desired along property boundaries abutting residentially used or zoned property, such fencing shall meet one of the following requirements:
 - Non-decorative security fencing (such as chain link with or without vinyl or wood slats) shall not be located in any required buffer area.

 <p>Residential</p> <p>Property Line</p> <p>Non-Decorative Fence</p> <p>Industrial</p>	 <p>Non-Decorative Fence</p>
 <p>Street</p> <p>Planting Strip & Sidewalk</p> <p>Property Line</p> <p>Non-Decorative Fence</p> <p>Industrial</p>	

- Vinyl coated security fencing (without any concertina or barbed wire) may be located in the required buffer area, but shall be located no closer than the midpoint of the buffer width.

 <p>Residential</p> <p>Property Line</p> <p>Vinyl-Coated Chain Link Fence</p> <p>Industrial</p>	 <p>Vinyl-Coated Chain Link Fence</p>
 <p>Street</p> <p>Planting Strip & Sidewalk</p> <p>Property Line</p> <p>Vinyl-Coated Chain Link Fence</p> <p>Industrial</p>	

- Decorative security fencing (such as wrought iron) may be located in the required buffer area but will not reduce the size of the buffer itself.



Pros: Allows security fencing for industrial uses adjacent or abutting residential properties without impacting the character of the residential property.

Cons: Additional cost to the industry if the desire is to place security fencing on the property line.

2. Add a new prescribed condition for the uses listed below. New industrial structures or buildings or uses shall be located a minimum of 300' from any abutting residentially used or zoned property. Distances shall be measured from the closest edge of the structure to the property line of the residential use or zoning district for the first two uses. Distances for junk yards shall be measured from property line to property line.

- Abattoirs
- Agricultural industries (allowed in I-2 only)
- Junk yards

3. Add a new prescribed condition for the uses listed below. New industrial development is required to provide their primary vehicular access by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.

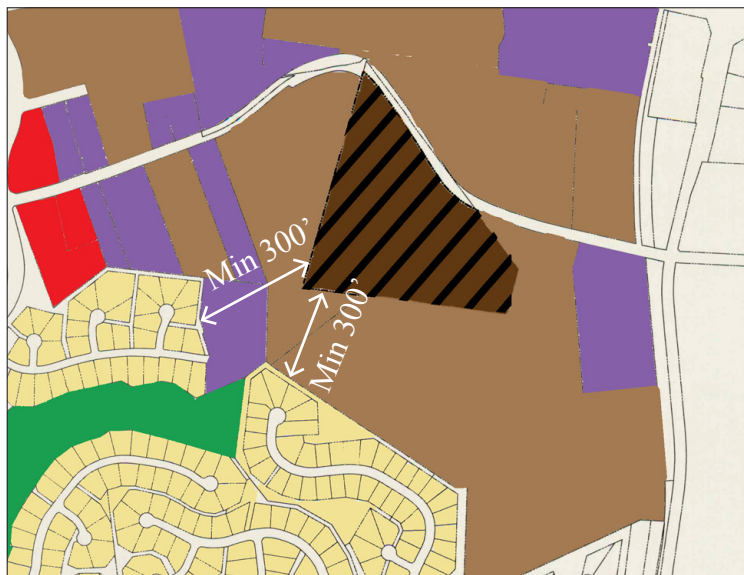
- Abattoirs
- Agricultural industries (allowed in I-2 only)

- Building material sales, retail and wholesale
- Contractor offices and accessory storage (allowed in I-2 only)
- Equipment rental and leasing
- Fence and fence materials, retail and wholesale
- Foundries
- Lumber mills and storage yards (allowed in I-2 only)
- Manufacturing Light Uses
- Manufacturing Heavy Uses (allowed in I-2 only)
- Nursery/greenhouses, retail and wholesale
- Waste incinerators, excluding medical waste incinerators (allowed in I-2 only)
- Junkyards
- Tire recapping and retreading

Stakeholder Concerns:	The street classifications should be clearly defined in the zoning ordinance and examples should be provided.
Staff Response:	This will occur as a part of the adoption and implementation of the Street Design Guidelines.

4. Add a new prescribed condition for the uses listed below. New industrial developments planning any outdoor production, processing or repair of equipment, shall located these areas no closer than 300’ from any abutting residentially used or zoned property. Distances shall be measured from the closest edge of the outdoor production, processing, or repair area to the property line of the residential use or zoning district.

- Foundries (allowed in I-2 only)
- Manufacturing Light Uses
- Manufacturing Heavy Uses (includes asphalt plant)
- Tire recapping and retreading



New Junk Yard

Pros: (Items 2, 3 and 4) Better visual separation, reduction in the noise and any fumes associated with the industry. Heavier uses will move away from the edges of industrial parks.

Cons: Not all I-2 properties will be available because of the size and location.

5. Add a new prescribed condition for both Heavy and Light Manufacturing Uses: Heating, ventilating, air conditioning, and other mechanical equipment shall not be located on any side or rear yard abutting a residential zoning district or use, so as to protect existing or future residential uses from noise and/or fumes associated with the industrial use, as much as is practically possible.

6. Add two new prescribed conditions for new junkyards:

- New junk yards, junk yards that expand in area, or enlarged buildings shall require the junk yard area to be enclosed with a fence that is not easily climbable from six to seven feet in height, and located at least 20 feet from the public street right-of-way.
- New junk yards, junk yards that expand in area or expand buildings after the effective date of this amendment shall **provide a Class C buffer along all public streets.**

Pros: Establishes a standard to create a more compatible and aesthetically pleasing edge to a use that can be an eyesore. Setbacks are 20' with buffers being 10' to 50' based on the acreage. All security fence options will work with this requirement.

Cons: Additional cost associated with landscaping and parcel size for the residential development.

Stakeholder Concerns: A maximum height for fences on industrial properties abutting residential properties should be established. The Stakeholders were concerned about unattractive razor wire, etc. being viewed from the residential properties.

Staff Response: This issue will be resolved through the new standards for security fencing.

Stakeholder General Concerns:

1. How will the pending corrective rezoning will be addressed?

Staff Response: If the text changes are approved, staff will determine on an area by area basis if the corrective rezoning is still needed during the area planning or plan amendment process adopted by the City Council.

2. How will older streets that are not as wide as newer streets fit into the street classification system?

Staff Response: The width of the street does not effect its classification.

3. Numerous concerns about how the proposed regulations would affect the expansions of existing industrial uses.

Staff Response: Expansions would be subject to the new regulations. In some cases, expansions may not be permitted.

4. Although not considered within the scope of the task, the Stakeholders felt they would be remiss if they did not mention their concern for chemical/petroleum and other hazardous material protection against terrorism.

Staff Response: Staff understands the concern of the Stakeholders. However, this is beyond the scope of the study.