

REQUEST	Current Zoning: I-1, light industrial Proposed Zoning: I-2(CD), general industrial, conditional
LOCATION	Approximately 6.30 acres located on the west side of Idaho Drive and generally surrounded by Centre Street and Odum Avenue.
SUMMARY OF PETITION	The petition proposes to allow the operation of a resource recovery facility involving the sorting and reclaiming of recyclable materials.
PROPERTY OWNER	Tucker Properties, LLC and Estate of Mason E. Lowell
PETITIONER	O'Leary Resource Recovery Center
AGENT/REPRESENTATIVE	Keith MacVean/Jeff Brown, King and Spaulding, LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>Central District Plan</i> and to be reasonable and in the public interest, by a 7-0 vote of the Zoning Committee (motion by Commissioner Dodson seconded by Commissioner Zoutewelle).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The petitioner did not provide the maximum building square footage on the site plan as ultimate size of facility is an unknown at this point. 2. Addressed Transportation comments as follows: <ol style="list-style-type: none"> a) Amended Note 3a. under "Access" to state that vehicular to the site will be from Darby Avenue, Odum Avenue, and Centre Street should Darby Avenue be abandoned. Modified language also states that access to Idaho Road will be allowed, but may only be granted after a Transportation Technical Memorandum (TTM) is submitted to CDOT, City Planning, and NCDOT for review and approval. 3. Revised Note 2c. under "Permitted Uses & Development Area Limitation" to state the existing non-conforming single family house will meet the requirements of the Ordinance for nonconformities. 4. Added Note 4g. under "Streetscape, Buffers and Landscaping" to state that the screening requirements of the Ordinance will be met.
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VOTE	Motion/Second: Firestone/Zoutewelle Yeas: Allen, Dodson, Firestone, Griffith, Phipps, Rosenburgh and Zoutewelle Nays: None Absent: None Recused: None
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ZONING COMMITTEE DISCUSSION	Staff presented this request to operate a resource recovery facility to the Zoning Committee. Staff identified the surrounding mix of residential and non-residential properties, including residential development across Brookshire Boulevard. Staff reviewed the site plan, including development notes pertaining to the proposed use on the site; a list of more intensive uses to be prohibited; and proposed buffers and associated plantings. Staff also indicated that the petitioner had been working with CDOT in order to resolve issues regarding access to and from the site, noting outstanding transportation items that were satisfactorily addressed.
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A Committee member asked about required buffers and adjacent properties and outdoor storage. Staff responded by identifying the existing family home in the petition, another adjacent single family home, and vacant industrial properties. Staff noted that if the single family home in the petition were to be demolished, the whole lot would be a buffer because of abutting single family. However, a buffer is not required for abutting vacant industrial properties. Staff said that outdoor storage would be permitted.

Concern was expressed with potential impacts on the nearby neighborhoods from vehicular traffic generated by this proposed use. Staff reviewed the proposed access in and out of the site. CDOT staff spoke to the Committee, stating that access would be dependent upon how much the facility grows and additional access points and turn movement requirements would be revisited upon need. It was determined that the nearby neighborhoods would experience very little impact from this use with respect to traffic.

A Commissioner asked and received confirmation that there was no protest petition filed on this request, and recommended that the definition of "recycling" be assessed so that a rezoning would not be required for such a facility. The Zoning Administrator agreed with this recommendation. There was no further discussion of this petition.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW**• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allow facilities that collect discarded materials from businesses for the purpose of sorting, removing and recycling a minimum of 70 percent of the materials collected (to be known as a "Resource Recovery Center"), as well as accessory uses allowed in the I-2 zoning district.
- Allow existing buildings and structures on the site to be utilized or demolished. The existing non-conforming single family home on site will meet the requirements of the Zoning Ordinance for nonconformities.
- Prohibit the following uses on the site:
 - heliports and helistops;
 - power generation plants;
 - drive-in theaters;
 - truck stops;
 - truck terminals; abattoirs;
 - adult establishments;
 - agricultural industries;
 - construction and demolition (C & D) landfills;
 - foundries;
 - jails and prisons;
 - junkyards;
 - heavy manufacturing;
 - medical waste disposal facilities;
 - nightclubs, bars and lounges;
 - petroleum storage facilities with a storage capacity of more 200,000 gallons;
 - quarries;
 - sanitary landfills;
 - solid waste transfer stations; and
 - waste incinerators.

- Total number of principal buildings to be developed on the site not to exceed 10.
 - Vehicular access to the site will be from Darby Avenue, Odum Avenue and Centre Street should Darby Avenue be abandoned. Access to Idaho Avenue will also be allowed. However, site access to Idaho Road may only be granted after a Transportation Technical Memorandum (TTM) is submitted to CDOT, Planning, and NCDOT for review and approval.
 - A 20-foot landscape setback will be provided along Idaho Road and Odum Avenue.
 - Petitioner reserves right to seek a variance from required half of a Class A buffer required by the Zoning Ordinance along the site's frontage on Brookshire Boulevard.
 - Detached lighting on the site will be limited to a maximum height of 30 feet.
- **Public Plans and Policies**
 - The *Central District Plan* (1993) recommends industrial uses for this site.
 - This petition is consistent with the *Central District Plan*.
 - **Staff Recommendation (Updated)**
 - Staff agrees with the recommendation of the Zoning Committee.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Department of Solid Waste Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - This site meets minimum ordinance standards.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review

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