

**ZONING COMMITTEE
RECOMMENDATION
September 26, 2007**

Rezoning Petition No. 2006-112

Petitioner: Charlotte-Mecklenburg Planning Commission

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

Action: The Zoning Committee voted 5-1 to recommend **APPROVAL** of this petition.

Vote:

Yeas:	Howard, Johnson, Lipton, Loflin, and Sheild
Nays:	Randolph
Absent	Rosenburgh

Background

In 2003, the City Council asked staff to develop standards for heavy industrial uses permitted in the I-2 zoning district when located near 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, and make no changes. ED & 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. 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 and security fencing.

Zoning Committee Discussion/Rationale

Keith MacVean stated that the purpose of this amendment is to address conflicts between industrial uses adjacent to residential. This process was started in 2003 and went through a stakeholder process. The amendment was a result of the asphalt plant in Optimist Park/Belmont area and the issues of incompatibility between industrial and residential uses. The City Council asked staff to look at some standards to make this relationship better. A stakeholder group was formed and draft text amendments were developed. The amendments went to hearing in the fall of 2006. There were some issues raised by Council about contacting persons that were in the

business of locating industrial uses to make sure they were comfortable with the text. Staff held an informational meeting which resulted in some changes to the text amendment.

Mr. MacVean reviewed the major highlights of the proposed text amendments including buffers, prescribed conditions and security fencing standards. Tammie Keplinger noted that the stakeholders were in 100% agreement that when residential uses develop next to industrial uses, the residential development should provide 100% of the Class “A” buffer. Staff is recommending that this be 50% of the required buffer. Currently the residential property is not required to establish a buffer. Mr. MacVean continued that many of the stakeholders were industrial users and they were concerned about residential encroachment on the industrial users and the complaints that come with it. A discussion of the amendments continued including buffers when residential and industrial uses are located across the street from each other; reduction of buffer widths; security fencing provisions; and prescribed conditions for certain uses.

The Commission asked where staff is seeing issues that merit these changes. Mr. MacVean showed a map illustrating where industrial and residential properties abut or are within 100-feet of each other. He explained that the asphalt plant and the corrective rezonings on Sharon Amity, Davidson and N. Graham, Belmont and Optimist Park led to the City Council’s concern. The corrective rezonings have been on hold and will be examined to determine if rezoning is still necessary. One Commissioner was concerned about the effect the amendments would have on existing industrial development that planned to grow and expand.

Statement of Consistency

Upon a motion made by Commissioner Johnson and seconded by Commissioner Sheild the Zoning Committee unanimously found this petition to be consistent with public plans and policies and reasonable and in the public interest.

Vote

Upon a motion made by Commissioner Ratcliffe and seconded by Commissioner Sheild the Zoning Committee voted unanimously to recommend of this petition.

Minority Opinion

The minority of the Zoning Committee is concerned about the fencing location and cost for larger project and the screening. It was also felt that the text amendments would hurt some industrial properties trying to expand.

Staff Opinion

Staff agrees with the recommendation if the Zoning Committee.