

## PLANNING AND ZONING COMMISSION RECOMMENDATION

On May 24, 2011, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except Mr. Mark Walsh.

### **Redbud, LLC**

### **Text Amendment Case 11-04**

A request by Redbud, LLC to amend Section 9-5-1(jjjj)(2) of the Development Ordinance to reduce the 300 foot use separation standard between a Recycling Processing Center Use and residential or public-institutional zoned property.

Mr. Loveland presented the request and recommended approval as outlined in the staff report.

Speaking in favor of the request was the applicant's representative, Ms. Beth Koonce of 300 North Main Street, High Point. Ms. Koonce stated that when obtaining permits for this business her client discovered that their desired location did not meet the required 300 foot separation from a residential zoned area. Ms. Koonce felt that the 300 foot required separation was excessive especially given that this use is only permitted in the Agricultural (AG), Light Industrial (LI) and Heavy Industrial (HI) Districts.

The Commission discussed at length the proposed text amendment. Issues of concern expressed from members were:

- The reduction in separation from 300 to 100 feet would be applicable to the entire City.
- Potential negative impacts upon adjacent residential neighborhoods in regards to image of area, traffic from cars or trucks to the facility and vermin infestation of residents' homes.

The Planning & Zoning Commission recommended *denial* of Text Amendment Case 11-04, by a vote of 6-1. Mr. Jim Davis was in support of the text amendment as the Ordinance specified that the recycling collection use must be contained within the building and that the traffic impact would be similar to other permitted uses.

**Because this Text Amendment request is being forwarded to City Council with an unfavorable recommendation from the Planning & Zoning Commission, the Development Ordinance requires a 2/3 favorable vote by the City Council (6 members) for the Text Amendment request to be approved.**

**CITY OF HIGH POINT  
PLANNING AND DEVELOPMENT DEPARTMENT**

**STAFF REPORT  
TEXT AMENDMENT CASE 11-04  
May 28, 2011**

<b>Request</b>	
<b>Applicant:</b> Redbud, LLC	<b>Affected Ordinance Sections:</b> Amendment will make changes to Section 9-5-2 (jjjj), entitled <i>Recycling Processing Centers</i> .
<b>Proposal:</b> To amend the Development Ordinance to reduce the 300 foot use separation standard between a Recycling Processing Center Use and residential or public-institutional zoned property.	

**Background**

Redbud LLC desires to operate a recycling processing center on property located on West Green Drive in a Heavy Industrial (HI) zoning district. The Development Ordinance currently allows recycling processing centers as a permitted use with Development Standards in the LI and HI districts, which include a requirement that the recycling facility be located at least 300 feet from property zoned residential or Public and Institutional. The applicant's site is located approximately 200 feet from residential zoned property, and therefore the proposed use is not permitted.

**Details of Proposal**

The Development Ordinance separates recycling processing centers into two different types of facilities- those that recycle primarily household materials, and those that recycle primarily construction or demolition material. The development standard currently requires that a recycling facility (regardless of the type of facility) be located at least 300 feet from any residential or public-institutional zoned property. The applicant is proposing to amend this provision so as to require a separation of 100 feet for household recycling facilities while retaining the requirement for a 300 foot separation for construction/demolition recycling facilities.

**Analysis**

The development standards require that a recycling processing center that processes primarily household recyclables be operated in a wholly enclosed building. Household recyclables may include glass, plastic, paper or cardboard, household metals or metal cans and similar type items. It is likely that the processing of such household materials consists mainly of sorting, shredding baling or packaging; activities that (being conducted in an enclosed building) are less likely to place a noticeable impact on adjacent properties.

A household recycling center is permitted to store the recyclable items outside the primary building only if the material is stored in an enclosed structure - such as construction-type dumpsters, sheds or other accessory structures. The development standards allow loading of the recyclables to take place outdoors provided that no materials remain on the loading area for more than 24 hours.

It should be noted that a household recycling center is permitted only in the industrial zoning districts, and that recycling centers (regardless of the type) typically produce less adverse impacts than many traditional industrial uses that are permitted in the HI district.

### **Recommendation**

#### **Staff recommends approval.**

Because a household recycling center operates within an enclosed building, it warrants a lower separation than a construction or demolition center that operates predominantly outside. Therefore separate treatment is warranted and staff recommends approval of the amendment.

### **Required Action**

#### **Planning and Zoning Commission:**

Upon making its recommendation, the Planning and Zoning Commission must place in the official record a statement of consistency with the City's Land Use Plan, and any other officially adopted plan that may be applicable. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Commission, or, if the Commission is in disagreement with staff's findings, by adoption of its own statement.

#### **City Council:**

Upon rendering its decision in this case, the High Point City Council also must place in the official record a statement of consistency with the City's Land Use Plan. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Council, or, if the Council is in disagreement with staff's findings, by adoption of its own statement.

In addition, the City Council must, prior to adopting or rejecting any zoning amendment, explain why it considers the action taken to be reasonable and in the public interest. In this case, staff suggests that the approval of the applicant's request is reasonable and in the public interest because: 1) the need for use separation is not as great for a recycling center that processes primarily household oriented recyclables and which is operated in a wholly enclosed building. The City Council may adopt this statement, it may add to or change this statement, or, if the Council is in disagreement with the above statement it will need to formulate its own reasonableness / public interest statement.

## **Report Preparation**

This report was prepared by Planning and Development Department staff member Douglas Loveland, AICP, and reviewed by Robert L. Robbins, AICP and G. Lee Burnette, AICP, Director.

TEXT AMENDMENT 11-04

PROPOSED AMENDMENT TO THE CITY OF HIGH POINT

DEVELOPMENT ORDINANCE

(An amendment affecting Section 9-5-2 (jjjj) – Development Standards for Individual Uses pertaining to Recycling Processing Centers.)

SECTION 1.

Section 9-5-2 (jjjj), entitled *Recycling Processing Centers*, shall be amended as follows:

**(jjjj) RECYCLING PROCESSING CENTERS**

(1) Where Required: AG, LI and HI Districts.

~~(2) Use Separation: No such facility shall locate within three hundred (300) feet of any residentially or public-institutionally zoned property, except for an access drive and/or weigh station, which shall not locate within one hundred (100) feet of any residentially or public-institutionally zoned property, and except for outdoor storage areas as regulated in (3) below.~~

**(2) Use Separation:**

**a. No recycling processing center facility that handles primarily household recyclables (glass, plastic containers, newspaper, metal and aluminum cans, etc.), including an access drive and/or weigh station, shall locate within one hundred (100) feet of any residential or public-institutional zoned property.**

**b. No recycling processing center facility that is designed to handle recyclable construction or demolition materials (lumber, concrete, siding, steel or other metals, etc.) shall locate within three hundred (300) feet of any residential or public-institutional zoned property, except for an access drive and/or weigh station, which shall not locate within one hundred (100) feet of any residential or public-institutional zoned property, and except for outdoor storage areas as regulated in (3) below.**

(3) Outdoor Storage:

a. Recycling processing centers that handle primarily household recyclables (glass, plastic containers, newspaper, metal and aluminum cans, etc.) shall be required to store such materials, whether processed or unprocessed, in an enclosed structure.

b. Recycling processing centers that are designed to handle recyclable construction or demolition materials (lumber, concrete, siding, steel or other metals, etc.) shall be permitted to store such materials outdoors only in areas so designated on an approved site plan or watershed development plan. Storage areas shall not be less than 100 feet from site property lines, all surface waters, residential dwellings, commercial or public buildings and wells.

(4) Operation:

a. Recycling processing centers for household recyclables shall be operated in a wholly enclosed building, except that loading to a flatbed railcar may take place outside the building provided no materials remain on the loading area for more than twenty-four (24) hours.

b. Recycling processing centers for recyclable construction or demolition materials may be operated in a building not wholly enclosed, if such building meets the use separation requirements of (2), above and provided that the noise level generated by the facility does not exceed eighty (80) decibels at any point on the property line.

(5) Dust: All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.