

STAFF EVALUATION

To: City Council

Prepared By: Lucy Stoll 727-6301
Reviewed By: Mike Hayes, AICP 728-5244
Bonnie Brown, Deputy City Attorney

Case No.: Use Permit Application No. 19-00007

Date: October 9, 2019

General Information

Applicant Bay Disposal and Recycling
Property Owner Bay Disposal Property Holdings, LLC
Location 310 E Street [LRSN 1000080]



Requested Use Use Permit to allow for a trash sorting facility.

Description of Proposal The applicant is currently operating a recycling facility at the site with an approved use permit. This application would amend their use permit conditions to expand the use and allow for sorting, transportation, and temporary storage of garbage and organic waste.

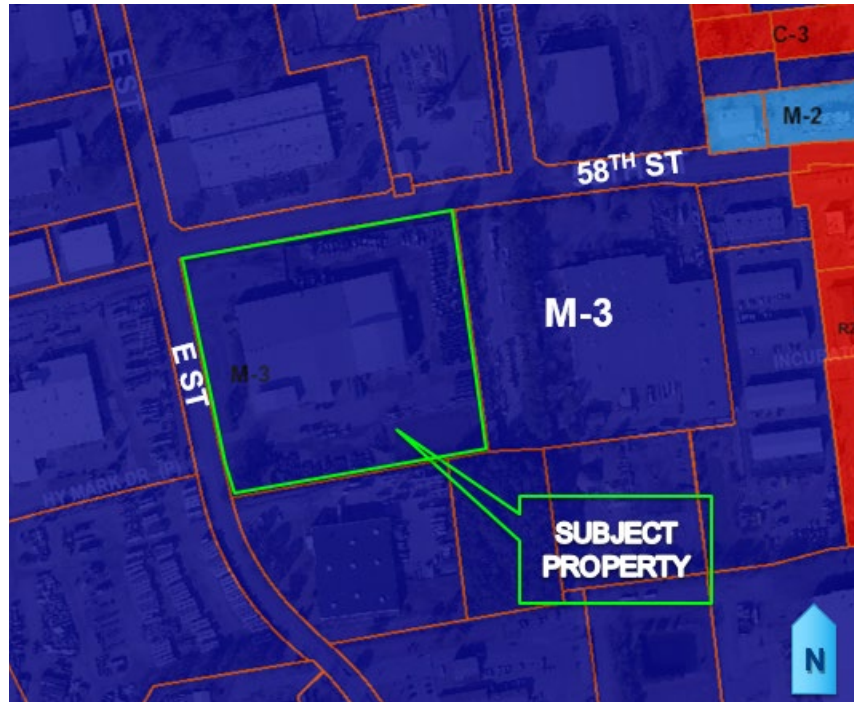
Existing Land Use Recycling facility

Zoning The property is currently zoned Heavy Manufacturing (M-3) District, which allows for a trash sorting facility with an approved

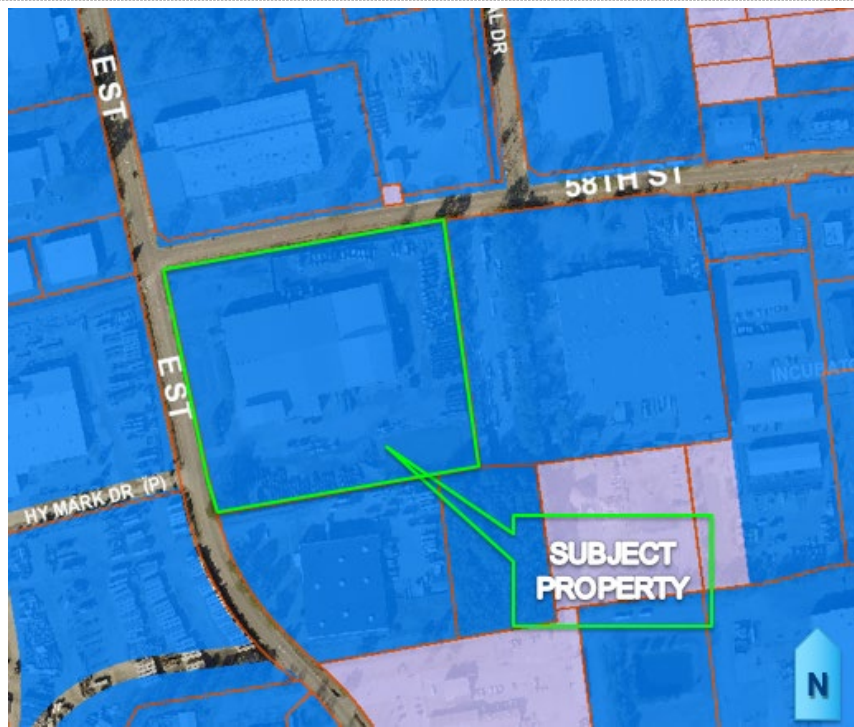
use permit.

Surrounding Land Use and Zoning

North: Heavy Manufacturing (M-3); business/industrial
South: Heavy Manufacturing (M-3); business/industrial
East: Heavy Manufacturing (M-3); business/industrial
West: Heavy Manufacturing (M-3); business/industrial



Public Policy



The Hampton Community Plan (2006, as amended) recommends business/industrial uses for the subject parcel and most of the surrounding properties. There is some recommendation for residential to the north- west, beyond other business/industrial properties. A few properties indicated as public/semi-public uses are likely reflecting the State/VDOT ownership of those parcels.

As noted in the Community Plan: “Copeland Industrial Park – This 423-acre industrial park is adjacent to the convergence of Interstates 64 and 664 and only minutes away from the Newport News and Portsmouth marine terminals. This park is ideal for warehouse/distribution and heavy and light manufacturing.”

Policies related to this request are listed below:

LU-CD Design Objective 3: Promote compatibility and synergy among different land uses.

ED Objective 2: Nurture and support established businesses as well as new businesses.

ED Policy 1: Retain, expand, and attract businesses that provide jobs with family-supporting wages.

<i>Applicable Regulations</i>	M-3 allows for a trash sorting facility, subject to approval of a use permit.
<i>Traffic</i>	The applicant is proposing to use an existing loading area for truck traffic. The increased traffic from the expanded use is estimated at a total of 10 trips per day, and negative impacts are not anticipated.

Analysis

Use Permit Application No. 19-00007 is a request to permit trash sorting at an existing recycling facility at 310 E Street [LRSN: 1000080], which is located in the Copeland Industrial Park. The property is currently operating as a recycling facility, and the applicant is seeking to amend their existing use permit conditions to allow additional activity on the site, primarily sorting and transporting garbage and organic waste. Temporary storage of the waste is also requested. The property is zoned Heavy Manufacturing (M-3), which allows for a trash sorting facility with an approved use permit.

At present, the applicant operates a recycling facility that accepts recyclable materials and construction debris. Recyclable materials are processed, but debris is only sorted and transported from the facility. Based on current use permit conditions, materials that contain garbage or other organic waste (such as food) are not permitted to be delivered to the facility. The applicant would like to amend the conditions to allow that organic waste to be delivered so cardboard and scrap metals can be extracted before hauling the remained of the waste to a permitted landfill or waste to energy facility. The applicant would not be seeking to alter or process the organic waste in any way other than is necessary to sort and transport it, and staff recommends a condition speaking to this. Additionally, the applicant has noted some temporary storage of organic waste may be necessary overnight in transfer

trailers but would not be stored in the facility. To that end, staff has recommended conditions that would hold the applicant to short-term storage of these loaded trailers, as well as designated storage locations and practices.

One of the main concerns when this use permit was originally brought forward several years ago was concern about odor. Staff has recommended a condition that requires an odor-neutralizing system on the site, and additionally reached out to DEQ, the licensing agency, about their requirements. DEQ requires submission of an operations plan before licensing the facility and are confident that facilities approved would well address odor and odor would not be a nuisance to surrounding sites. In addition, the applicant has provided letters of support from the property owner directly adjacent to the east and the two properties directly across the street to the north.

The Hampton Community Plan (2006, as amended) recommends business/industrial use for the subject parcel and most of the surrounding properties. There is some recommendation for residential to the north-west outside of the Copeland Industrial Park.

If approved, staff recommends attaching ten (10) conditions to this application. In addition to those previously described, conditions are recommended that help maintain appropriate screening and aesthetics for the site, as well as leaving conditions in place from the previous use permit, such as hours of operation, licensure requirement, and the ability for the Zoning Administrator to inspect the site.

Given the zoning, land use, and designation of the larger area as the Copeland Industrial Park, this is an ideal location to site a use such a trash and recycling sorting facility. This property is fully surrounded by other Copeland Industrial Park properties and is appropriate for industrial uses.

Staff and Planning Commission recommend approval of Use Permit Application No. 19-00007 with ten (10) conditions.

Use Permit Application No.19-00007
Bay Disposal and Recycling
310 E Street, Hampton, VA 23661

1. Issuance of Permit

The Use Permit applies only to 310 E Street [LRSN 1000080] and is not transferable to another location.

2. Hours of Operation

- a) The hours of delivery and removal of material by truck shall be between the hours of 6:00AM and 11:00PM Monday through Friday and 6:00AM and 6:00PM Saturday and Sunday.
- b) The hours of operation within the building shall be between the hours of 5:00AM and midnight Monday through Sunday.
- c) Maintenance of equipment internal to the building may occur after standard operating hours Monday through Friday.

3. Licensure

The operator shall secure and maintain any required licensure with the Virginia Department of Environmental Quality (DEQ).

4. Use Establishment

Prior to establishment of operation as outlined in 5(b), applicant must be found compliant with all conditions listed herein by a Community Development Department Inspector in the City of Hampton.

5. Operation

- a) The operator will only process single stream recycling products, such as glass, plastic bottles, newspapers, and aluminum cans, and commercial recyclable dry waste, such as cardboard, office paper, and shrink wrap, and open container loads of construction debris to the facility. While construction debris may be sorted and transported to and from this facility, crushing, grinding, or altering the material other than is necessary to bail the material is expressly prohibited.
- b) Garbage, food waste and organic waste, meaning a type of solid waste consisting of organic materials including, but not limited to processed and unmanipulated manures, grass, clippings, leaves, brush, tree prunings, logs, tree stumps and other yard, landclearing or vegetative waste may be sorted and transported to and from this facility; however, altering the material other than is necessary to transfer the material is expressly prohibited. Aforementioned materials must be hauled to a permitted landfill or waste to energy facility.
- c) Hazardous waste, radioactive/nuclear waste, and/or biohazardous waste materials are prohibited on site.
- d) All sorting and processing of materials shall occur within the building.
- e) Outdoor storage, except for the parking of vehicles, empty containers, and loaded transfer trailers is prohibited.

- I. Transfer trailers may only be stored in the location labeled "Trailer Storage" attached here as Exhibit A, and shall not be stored longer than 24 hours. Trailer Storage shall be striped to provide a uniform 10 feet between each trailer.
 - II. Transfer trailers shall be completely enclosed, and unattached to vehicle cabs.
- f) The operator shall keep the property outside the facility free and clear of transported materials and litter, and take measures to avoid stray materials or litter from escaping onto adjacent properties.
- g) An odor neutralizing system shall be installed to prevent any odor from escaping the facility.

6. Vehicle Parking and Container Storage

- a) The parking of vehicles used in the transport and delivery of material shall occur in the location labeled "Transport Vehicle Parking" attached here as Exhibit B.
- b) Containers shall be stored in the location labeled "Transport Vehicle Parking" attached here as Exhibit B.
- c) Containers shall not be stored any closer than five (5') from an adjacent property line.
- d) All stored containers must be clear of material, with the exception of loaded transfer trailers noted in condition 5(e).

7. Screening

- a) A short, continuous evergreen hedge row (2.5 to 4 feet in height) shall be established and maintained along the public rights-of-way (E Street and 58th Street) to screen operations at the sides and back of the building.
- b) Screening shall be provided in substantial conformance with the subsection of Site Design entitled "Screening" within the Copeland Industrial Park Design Guidelines dated June 20, 2017, and attached here as Exhibit C, including but not limited to:
 - I. Outdoor material and equipment storage such as trash dumpsters, generators, hvac, etc. shall be screened so not readily viewable from any existing or proposed public right-of-way and not overly visible from adjacent properties.
 - II. Outdoor storage should be consolidated into a single area and screened from streets and neighboring uses through use of landscaping and/or constructed materials.

8. Inspection

The facility will be available for inspection by the Zoning Administrator and/or designee during operational hours.

9. Nullification

The use permit shall automatically expire and become null and void under any of the following conditions:

- (1) If, in the case of new construction, the building has not been erected, with doors, windows, roof covering and exterior finish materials in place within two (2) years of the issuance of the use permit;
- (2) No building permit to construct the authorized improvements has been issued within twelve (12) months of the date of approval by the city council, or if no building permit is required, if the use is not established within twelve (12) months of the date of approval by the city council; or
- (3) Once the property may be occupied, if the property is not used for the permitted purpose for a continuous two-year period unless otherwise specified in the zoning ordinance. In making this determination the city may consider such matters as the issuance of a building permit, a business license, utility connections and such related factors.

10. Revocation

Notwithstanding any condition or provision of this use permit to the contrary, the use permit may be revoked for violation of any terms or conditions of the use permit as set forth in chapter 14 of the zoning ordinance.

