

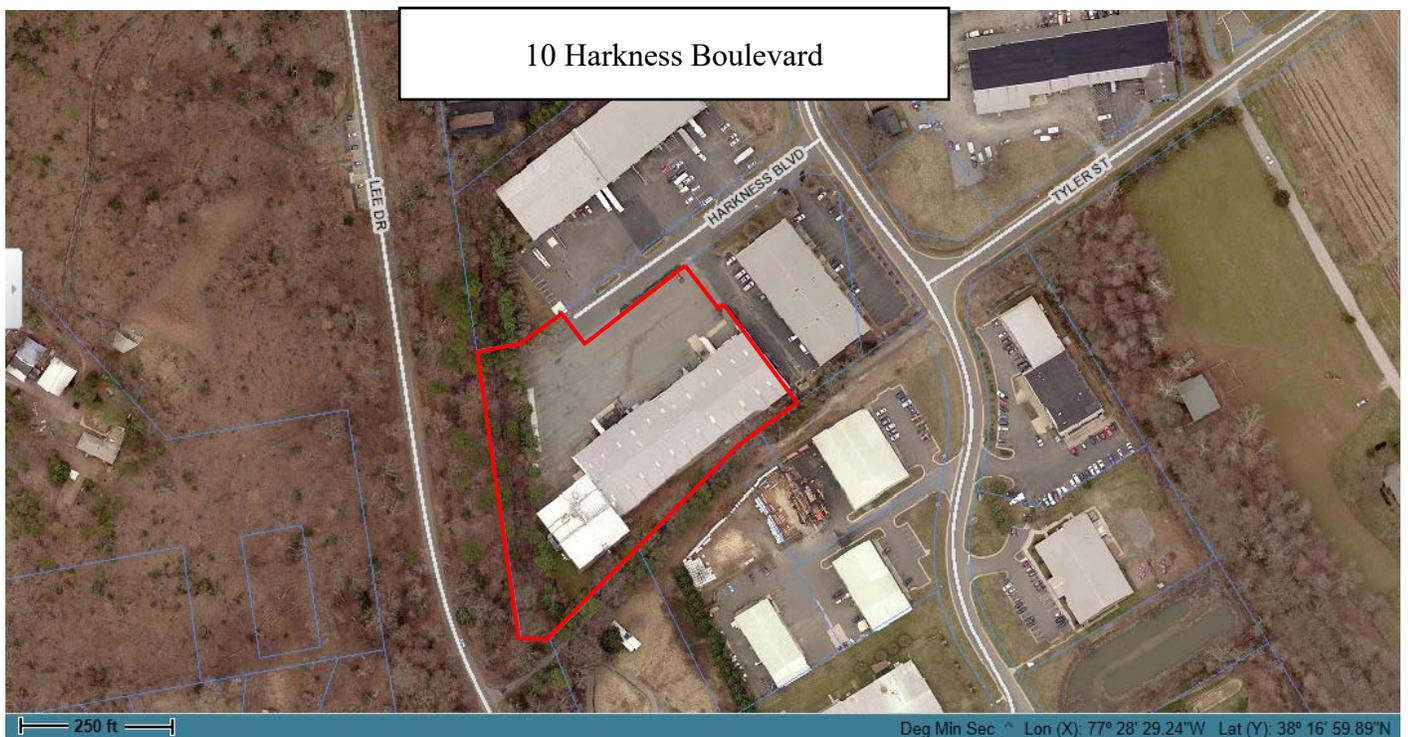


MEMORANDUM

TO: Chairman Rodriguez and Planning Commissioners
FROM: James Newman, Zoning Administrator
DATE: June 12, 2020 (for the June 17, 2020 meeting)
RE: **GreenChip Inc. SUP2020-03** requests a special use permit to operate a recycling center for electronic waste at 10 Harkness Boulevard/GPIN 7778-78-5342. The property owner is Dominion Real Estate LLC. This property is located approximately 300 feet south-west of the intersection of Central Road and Harkness Boulevard, within the Industrial Park. The property is zoned General Industrial (I2).

ISSUE

Proposed special use permit for a recycling center.



RECOMMENDATION

Approval subject to conditions:

1. The use shall be developed in substantial accordance with the application dated February 12, 2020, including the General Development Plan;
2. The use shall be limited to the operation of a recycling center for electronic equipment

disassembly, data wiping, assessment, refurbishment and recycling, with limited outdoor storage of baled commodities, as described in the application;

3. The use shall commence within 24 months of the date of adoption of this resolution. The use is permitted only so long as it continues and is not discontinued for more than 24 months;
4. Deliveries shall be limited to the hours of 7:00 a.m. to 7:00 p.m.;
5. Outdoor storage shall be limited to a 2,000 square foot area as shown on the Generalized Development Plan.
6. Within six months of the commencement of the use the operator shall obtain and throughout the duration of operation shall maintain best industry standards for responsible recycling of electronic equipment, such as the R2 Electronic Recyclers and ISO 14001:2015 certifications.

CITY COUNCIL AND PLANNING COMMISSION PUBLIC HEARING – JUNE 10, 2020

On June 10, 2020, the City Council and the Planning Commission held a joint public hearing to discuss the proposed text amendments. The National Park Service provided comments about the suitability of the use and are attached to this memo. The public can continue to offer written comments until the Planning Commission meeting on June 17 and the City Council meeting on June 23. Any additional comments received will be forwarded to the Planning Commission and City Council and read into the record at the meetings.

GENERAL BACKGROUND

GreenChip Inc. wishes to operate a recycling center at 10 Harkness Boulevard. The center would dismantle and recycle both electronic goods and data. This property is 3.85 acres in size. The existing building was built in 1988, and is approximately 53,500 sq. ft. in area. The property is zoned General Industrial (I2).

Adjacent uses include the National Battlefield (to the west), a warehouse (to the north), light manufacturing, a driving clinic, education center (all to the east), and one single family residence (to the south). Per the applicant, the structure is vacant and has been for four years. There is no Certificate of Zoning Use on file with the City. The National Park Service was sent notice of the application on June 2nd.

The applicant currently operates in New York City, and is looking to expand its business. It dismantles electronic devices, processes electronic waste, repurposes materials and destroys data, for a variety of customers including the federal government. Materials are also sent to third-party processors for further recycling or reuse. This center would not process standard household waste, food waste, or other materials. The work is done inside the structure and there will be a screened outdoor storage area. The storage area will hold bales of plastic and metal that have already been processed. As shown on the General Development Plan (GDP) it will be screened.

The applicant will operate the property 24 hours a day. One proposed condition would limit deliveries to between 7am-7pm. It anticipates providing 20 new jobs, with a potential for up to 45 jobs within 3 years. The applicant does not anticipate any odors, visual impact, or other nuisance issues arising from the use. It will maintain a 25 foot-wide landscaping buffer adjacent the single family residence and National Battlefield. Attached photographs taken on May 19th and 20th show what the existing

landscaping buffer looks like from the adjacent residence as well as Lee Drive within the Battlefield Park.

SPECIAL EXCEPTIONS

The applicant requires four special exceptions. The applicant seeks exceptions to the following Code Sections:

- a. 72-41.4.E.1, requiring a recycling center to be on a parcel with an area of at least 5 acres.
The subject parcel contains 3.85 acres.
- b. 72-41.4.E.2, requiring a recycling center to be at least 250 feet from any residential zoning district.
The proposed recycling center is 30 feet from the closest residential zoning district.
- c. 72-41.4.E.3, requiring no part of a recycling center other than a free standing office be located within 50 feet of a lot line.
The proposed recycling center is 30 feet from a lot line.
- d. 72-41.4.E.9, requiring a recycling center within 500 feet of a property in a residential zoning district not be in operation between the hours of 7PM-7AM.
The proposed operating hours of the recycling center would be continuous with truck delivery limited to 7AM-7PM.

These special exception requests are dealt with in a separate staff report.

HAZARDOUS MATERIAL AND INDUSTRY STANDARDS

There will be no hazardous material stored or processed on site. The Virginia Department of Environmental Quality states that electronic waste is not hazardous material:

"...because there is no class specific exemption for discarded consumer electronics at present, we must default to the basic waste determination and management provisions of the regulations. The regulations do not define e-waste as a listed hazardous waste. Therefore, it is the generator's responsibility to determine if his devices may exhibit a characteristic of a hazardous waste. The generator will bear sole responsibility to determine if his e-waste or its subcomponents are hazardous wastes and manage them accordingly." – VA DEQ Electronics Waste Management Interim Recommendations

The applicant will be required to adhere to all applicable federal, state, and local regulations. It will comply with Occupational Health and Safety Management certification OHSAS 18001:2007. It will adhere to the International Organization for Standardization environmental management system requirements for ensuring the facility operates in such a way as to protect the environment (ISO 14001:2015. ISO 14001:2015 specifies the requirements for an environmental management system as part of an overall environmental management program (<https://www.epa.gov/ems/frequent-questions-about-environmental-management-systems>)). This provides guidance on providing a safe work environment for employees, and was developed by the international certification body Certification Europe. It also adheres to the R2 standard set forth by the Sustainable Electronics Recycling International non-profit. The R2 Certified Electronics Recyclers program sets responsible recycling standards for the industry (<https://sustainableelectronics.org/sites/default/files/R2-2013%20Standard%20%5BENGLISH%5D.pdf>).

Both programs are recognized by the federal Environmental Protection Agency as best practices for the industry. Due to some concerns expressed by the Planning Commission regarding the nature of the items received and the recycling process on-site, staff recommends an additional condition that

the operator shall retain these two certifications for the duration of their use of the site. Per the applicant:

“Green Chip proposes to recycle electronic equipment. We described the type of facility we intend to operate to several DEQ regulators in the solid waste and electronic waste fields. The proposed electronics recycling facility that Green Chip will operate at the 10 Harkness Boulevard location will not be considered a materials recovery facility or solid waste management facility by DEQ. Accordingly, no DPOR license would be required.

As DEQ's website notes, adherence to independent standards such as R2 and e-Stewards is helpful to ensure that electronic equipment recycling is conducted responsibly. Green Chip plans to obtain independent certifications for the Fredericksburg facility as it has done at its two locations in New York City.

Also, electronic equipment generally is considered a "universal waste" under federal law requiring certain storage and handling procedures to be maintained, which Green Chip does at its existing facilities and will do for the Fredericksburg facility, but is not subject to RCRA hazardous waste registration and reporting requirements.”

USE STANDARDS

A recycling center is subject to 13 use standards as laid out in Code §72-41.4.E. These standards were developed to deal with a typical household waste recycling center. The proposed use is an electronic waste recycling and repurposing facility. It accepts only electronic goods and intangible data.

(1) *The center shall be on a parcel with an area of at least five acres.*

This property is 3.85 acres. See special exception request SE2020-01.

(2) *The center shall be located at least 250 feet from any residential district, school, or day care.*

This property is approximately 30 feet from a residential zoned property. See special exception request SE2020-01.

(3) *Except for a freestanding office, no part of the center shall be located within 50 feet of any lot line.*

The existing structure is approximately 30 feet from a lot line. See special exception request SE2020-01.

(4) *All recycling activities and storage areas shall be effectively screened from view by walls, fences, or buildings. Such screening shall be designed and installed to ensure that no part of recycling activities or a storage area can be seen from rights-of-way or adjacent lots. In no case shall the height of recyclable or recovered materials, or non-recyclable residue stored in outdoor areas exceed 20 feet or the height of the principal building on the lot, whichever is greater.*

All recycling work will be done indoors. The 2,000 sq. ft. outdoor storage area will be screened as shown on the GDP.

(5) *All outdoor storage areas shall be surrounded by a solid fence or wall that is at least eight feet high.*

This will be done in accordance with the GDP.

(6) *Recyclable materials shall be contained within a leak-proof bin or trailer, and not stored on the ground.*

This will be required for outdoor storage.

(7) There shall be no collection or storage of hazardous or biodegradable wastes on the site.

The applicant states they will not be storing household waste or hazardous waste onsite or process any as part of their work.

(8) Space shall be provided to park each commercial vehicle operated by the center.

The applicant will be required to meet all parking requirements and this will be met while developing the site plan. The applicant will have up to 8 loading bays.

(9) If the center is located within 500 feet of property in a residential zoning district or developed for residential use, it shall not be in operation between the hours of 7:00 p.m. and 7:00 a.m. The facility shall be administered by on-site persons during the hours the facility is open.

The applicant wishes to operate a 24-hour continuous operation. Condition 2 would limit deliveries to between 7am-7pm. See special exception request SE2020-01.

(10) The site shall be maintained free of fluids, odors, litter, rubbish, and any other non-recyclable materials. The site shall be cleaned of debris on a daily basis and shall be secured from unauthorized entry and removal of materials when attendants are not present.

The applicant states they shall comply with this requirement.

(11) Signage shall include the name and phone number of the facility operator and indicate any materials not accepted by the center.

The applicant states they shall comply with this requirement.

(12) Access to the center shall be from a collector or arterial street.

The recycling center is in the Battlefield Industrial Park, which has direct access to Route 3, a primary arterial.

(13) No dust, fumes, smoke, vibration or odor above ambient level shall be detectable on abutting properties.

The applicant states that no dust, fumes, smoke, vibration or odor above ambient level shall be detectable on abutting properties. All work is done inside the facility.

SPECIAL USE PERMIT ANALYSIS

Special Use Permits applies to the property indefinitely per Virginia Code, regardless of ownership. They are evaluated according to the criteria contained in the UDO, Section 72-22.6, as follows:

(1) The proposed special use at a specified location shall be:

(a) In harmony with the adopted Comprehensive Plan;

The property lies within Land Use Planning Area 9: Downtown. The future land use map identifies this area General Industrial use. This category provides for “*The general industrial category allow for manufacturing, wholesale and limited ancillary retail uses, warehousing, offices, and distribution facilities. These districts are located where they can be served by adequate transportation access.*”

The relevant Opportunity listed for Land Use Planning Area 9 (on page 11(9)-1):

- Continue to develop the City/Battlefield Industrial Park

(b) In harmony with the purpose and intent of the zoning district regulations;

The purpose of the General Industrial (I2) Zoning District is *“to provide for medium to heavy industrial land uses in areas of the City appropriate to adequately serve the physical, transportation access, and environmental impacts of such industrial development. Outdoor storage areas shall be screened where visible from off-site areas.”*

The use of a recycling center in this space fits this definition well. It is a light industrial use, partially screened via landscape from non-industrial uses, with a planned outdoor storage area which will be screened by a solid fence.

(c) In harmony with the existing uses or planned uses of neighboring properties.

The recycling center is located within an existing, functioning Industrial Park. The property is adjacent to a single-family residence, and the National battlefield. During staff visits on May 19 and May 20, 2020, the structure is was from both locations, though it is screened better from the National Park. The structure has been in place since 1988. All proposed work will be inside, with no additions to the structure shown on the GDP. The outdoor storage area is shown on the GDP as being established adjacent to the woodland buffer with the Battlefield.

In considering an application for a Special Use Permit, the City Council shall consider potential adverse impacts including:

1. Traffic or parking congestion;

The site is situated on Harkness Drive and connects to the rest of the Industrial Park via Central Road. The applicant anticipates 10 delivery trucks per day and approximately 20 employee vehicles in the first year with more after. Operating at maximum capacity and staffing, they anticipate 220 vehicle trips per day.

2. Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;

No excessive noise, odor, fumes, or vibration are associated with the proposed use. Delivery of materials is subject to Condition 2 (between 7am – 7pm). All work is performed inside the structure. The outdoor space is used for storage in a screened-off area. It will be located adjacent to the wooded buffer with the Battlefield. The material being recycled is not quickly bio-degradable as regular household waste would be, will emit no noxious fumes that would harm neighboring properties, and will not be equipped with machinery that would affect neighboring properties through vibrations or other nuisance factors. All recycling work is done indoors.

3. Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;

The use constitutes economic development.

4. Undue density of population or intensity of use in relation to the community facilities existing or available;

There are sufficient public utilities to serve the site.

5. **Reduction in the availability of affordable housing in the neighborhood;**
Not applicable, this Special Use application is for a commercial use in an existing building.
6. **Impact on school population and facilities;**
Not applicable, this Special Use application is for a commercial use in an existing building.
7. **Destruction of or encroachment upon conservation or historic districts;**
The location has an existing building and the area is an Industrial Park adjacent to the National Battlefield.
8. **Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and**
The applicant states they have conformed to all federal, state, and local laws.
9. **Massing and scale of the project.**
The business will operate within the existing building, no expansion is proposed as part of this Special Use Permit. An outdoor storage area will be created.

CONCLUSION

The request meets the goals of the Comprehensive Plan. The use is in keeping with the character of development within the Industrial Park. The proposed development will bring jobs and increase the tax base. Approval is recommended.

ATTACHMENTS:

1. Resolution
2. Application
3. Narrative
4. GDP
5. Traffic Impact Analysis
6. Staff Pictures from May 19 and 20, 2020



MOTION:

2020 05 22 draft
Regular Meeting
Resolution 20-__

SECOND:

RE: Granting a special use permit for a recycling center at 10 Harkness Boulevard

ACTION:

Green Chip, Inc., as agent for Dominion Real Estate, LLC, owner, has applied to the City Council for a special use permit for a recycling center at 10 Harkness Boulevard. The application includes a General Development Plan entitled "Green Chip Recycling," dated February 2020, last revised February 10, 2020. The subject property is in the General Industrial (I-2) zoning district. A recycling center is permitted in the I-2 zoning district, but only by special use permit.

City Council, after notice and a public hearing, has considered the application in light of its conformity with the City's Comprehensive Plan, its harmony with the purposes and standards of the zoning district regulations, its compatibility with existing or planned uses of neighboring properties, and whether the proposed special use and related improvements will be designed, sited, landscaped, and otherwise configured so that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring, or community land or structures, or impair their economic, social, or environmental value.

Therefore, the City Council hereby resolves that:

- City Council grants to a special use permit for a recycling center at 10 Harkness Boulevard (GPIN 7778-78-5342), in accordance with the following conditions:
 1. The use shall be developed in substantial accordance with the application dated February 12, 2020, including the General Development Plan;
 2. The use shall be limited to the operation of a recycling center for electronic equipment disassembly, data wiping, assessment, refurbishment and recycling, with limited outdoor storage of baled commodities, as described in the application;
 3. The use shall commence within 24 months of the date of adoption of this resolution. The use is permitted only so long as it continues and is not discontinued for more than 24 months;
 4. Deliveries shall be limited to the hours of 7:00 a.m. to 7:00 p.m.;
 5. Outdoor storage shall be limited to a 2,000 square foot area as shown on the Generalized Development Plan.
 6. Within six months of the commencement of the use the operator shall obtain and throughout the duration of operation shall maintain best industry standards for responsible recycling of

electronic equipment, such as the R2 Electronic Recyclers and ISO 14001:2015 certifications.
certifications.

Votes:

Ayes:

Nays:

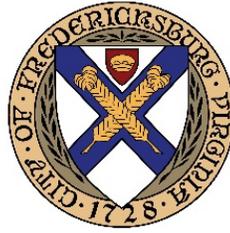
Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 20-__, adopted at a meeting of the City Council held Date, 2020, at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council

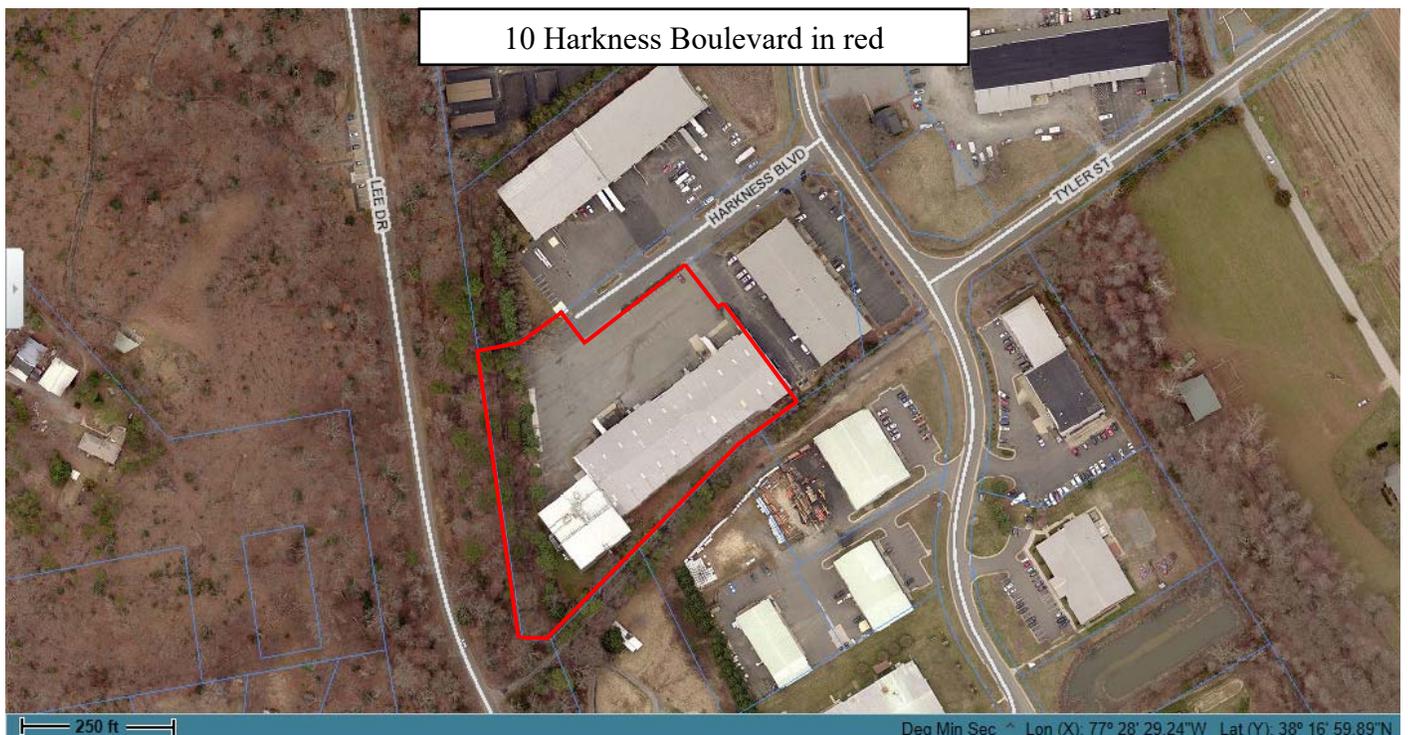


MEMORANDUM

TO: Chairman Rodriguez and Planning Commissioners
FROM: James Newman, Zoning Administrator
DATE: June 12, 2020 (for the June 17, 2020 Meeting)
RE: **GreenChip Inc. SE2020-01** requests a special use permit to operate a recycling center for electronic waste at 10 Harkness Boulevard/GPIN 7778-78-5342. The property owner is Dominion Real Estate LLC. This property is located approximately 300 feet south-west of the intersection of Central Road and Harkness Boulevard, within the Industrial Park. The property is zoned General Industrial (I2).

ISSUE

Four proposed special exceptions for a recycling center



RECOMMENDATION

Approval subject to conditions:

1. The use shall be developed in substantial accordance with the application dated February 12, 2020, including the General Development Plan;
2. The use shall be limited to the operation of a recycling center for electronic equipment disassembly, data wiping, assessment, refurbishment and recycling, with limited outdoor storage of baled

commodities, as described in the application;

3. The use shall commence within 24 months of the date of adoption of this resolution. The use is permitted only so long as it continues and is not discontinued for more than 24 months;
4. Deliveries shall be limited to the hours of 7:00 a.m. to 7:00 p.m.;
5. Outdoor storage shall be limited to a 2,000 square foot area as shown on the Generalized Development Plan.
6. Within six months of the commencement of the use the operator shall obtain and throughout the duration of operation shall maintain best industry standards for responsible recycling of electronic equipment, such as the R2 Electronic Recyclers and ISO 14001:2015 certifications.

CITY COUNCIL AND PLANNING COMMISSION PUBLIC HEARING – JUNE 10, 2020

On June 10, 2020, the City Council and the Planning Commission held a joint public hearing to discuss the proposed text amendments. The National Park Service provided comments about the suitability of the use and are attached to this memo. The public can continue to offer written comments until the Planning Commission meeting on June 17 and the City Council meeting on June 23. Any additional comments received will be forwarded to the Planning Commission and City Council and read into the record at the meetings.

GENERAL BACKGROUND

GreenChip Inc. wishes to operate a recycling center at 10 Harkness Boulevard. The center would dismantle and recycle both electronic goods and data. This property is 3.85 acres in size. The existing building was built in 1988, and is approximately 53,500 sq. ft. in area. The property is zoned General Industrial (I2).

Adjacent uses include the National Battlefield (to the west), a warehouse (to the north), light manufacturing, a driving clinic, education center (all to the east), and one single family residence (to the south). Per the applicant, the structure is vacant and has been for four years. There is no Certificate of Zoning Use on file with the City. The National Park Service was sent notice of the application on June 2nd.

The applicant currently operates in New York City, and is looking to expand its business. It dismantles electronic devices, processes electronic waste, repurposes materials and destroys data, for a variety of customers including the federal government. Materials are also sent to third-party processors for further recycling or reuse. This center would not process standard household waste, food waste, or other materials. The work is done inside the structure and there will be a screened outdoor storage area. The storage area will hold bales of plastic and metal that have already been processed. As shown on the General Development Plan (GDP) it will be screened.

The applicant will operate the property 24 hours a day. One proposed condition would limit deliveries to between 7am-7pm. It anticipates providing 20 new jobs, with a potential for up to 45 jobs within 3 years. The applicant does not anticipate any odors, visual impact, or other nuisance issues arising from the use. It will maintain a 25 foot-wide landscaping buffer adjacent the single family residence and National Battlefield. Attached photographs taken on May 19th and 20th show what the existing

landscaping buffer looks like from the adjacent residence as well as Lee Drive within the Battlefield Park.

The regulations governing a recycling center are extensive and thorough. They were intended to govern a typical household waste/commercial waste recycling facility that dealt with a variety of materials, including food stuffs, waste, and a variety of recyclable materials. This facility will be more limited with much less of an impact compared to a standard recycling center. There will be no odor from containers contaminated with bio-degradable waste. The work done is indoors, done manually and with machines, with no vibrations, fumes, or other nuisance factors that will unduly emanate from the building. Most of the use standards were not designed with this particular facility's operation in mind; the recycling center these standards were created for is simply not what is happening at his facility. This is a type of specialized recycling and repurposing focusing on data management and electronic waste sorting, recycling, and repurposing (including resale of functioning electronics and their components to third parties).

PROPOSED SPECIAL EXCEPTION REQUEST

The applicant requires four special exceptions. The applicant seeks exceptions to the following Code Sections:

- a. 72-41.4.E.1, requiring a recycling center to be on a parcel with an area of at least 5 acres.
- b. 72-41.4.E.2, requiring a recycling center to be at least 250 feet from any residential zoning district.
- c. 72-41.4.E.3, requiring no part of a recycling center other than a free standing office be located within 50 feet of a lot line.
- d. 72-41.4.E.9, requiring a recycling center within 500 feet of a property in a residential zoning district not be in operation between the hours of 7PM-7AM.

SPECIAL EXCEPTION ANALYSIS

Unified Development Ordinance (UDO) §72-22.7 contains review criteria that the Planning Commission and City Council shall use when evaluating an application for a Special Exception. These criteria are:

1. Consistency with the Unified Development Ordinance

The purpose of the General Industrial (I2) Zoning District is *“to provide for medium to heavy industrial land uses in areas of the City appropriate to adequately serve the physical, transportation access, and environmental impacts of such industrial development. Outdoor storage areas shall be screened where visible from off-site areas.”*

The use of a recycling center in this space fits this definition well, but the use standards do not fit this particular iteration of a recycling center. It is a light industrial use, partially screened via landscape from non-industrial uses, with a planned outdoor storage area which will be screened by a solid fence and which is adjacent to the wooded buffer with the Battlefield. A major site plan will be required for the proposed development. The property is not located within any overlay zone. The special exceptions would provide employment while increasing the commercial tax base. The business would help support local data management and electronics industry businesses.

2. Conformance with the Comprehensive Plan

The property lies within Land Use Planning Area 9: Downtown. The future land use map identifies this area General Industrial use. This category provides for *“The general industrial category allow for manufacturing, wholesale and limited ancillary retail uses, warehousing, offices, and distribution facilities. These districts are located where they can be served by adequate transportation access.”*

The relevant Opportunity listed for Land Use Planning Area 9 (on page 11(9)-1):

- Continue to develop the City/Battlefield Industrial Park

The requested special exceptions and associated development are in accordance with goals of the Comprehensive Plan:

Goal 3 – Business Development:

“Ensure the City can accommodate and capture its projected share of regional economic growth, by actively recruiting desired new businesses and providing for retail and office space development in areas identified for growth” – pg. 1-9.

Business Opportunity Initiatives (pg.6-11)

1. Make the attraction of new businesses to the City a main focus of economic development along with business retention and expansion.

- 3. Whether there has been a sufficient period of time for investigation and community planning with respect to the application.***

The Technical Review Committee has completed its review and the Applicant has submitted a revised application and GDP based on staff comments.

- 4. Whether the special exception is consistent with the principles of good zoning practice, including the purposes of the district in which the special exception would be located, existing and planned uses of surrounding land, and the characteristics of the property involved.***

Section 72-12 of the UDO states that *“The City Council has adopted this chapter to promote the health, safety, convenience, and general welfare of the public, to plan for the future development of the community, and to accomplish the objectives of the Code of Virginia and the City of Fredericksburg Comprehensive Plan”*. As stated in that Code Section, zoning is intended to be a tool that provides for, amongst other things:

- A. ...Adequate light, air, convenience of access, and safety from fire, flood, impounding structural failure, crime, and other dangers;*
- C. To facilitate the creation of a convenient, attractive, and harmonious community;*
- G. To encourage economic development that provides desirable employment, including high wage jobs, and enlarge the tax base;*
- J. To implement the Fredericksburg Comprehensive Plan and any special area plan adopted by the City;*

The property is not located within a floodplain or floodway. The development will provide employment for citizens and support other electronic and data industry business opportunities. The use will occur within an existing industrial building. It would be keeping in character with the scale of development in the Industrial Park. The use is in keeping with the future land use designation of general industrial.

- 5. Whether the proposed use or aspect of the development requiring the special exception is special, extraordinary or unusual.***

The lot is 3.85 acres in size with frontage along three streets (Harkness Boulevard, Lee Drive, and a service road), with no extreme contours, or undevelopable wetlands. The site is a prime spot for use, with an approximately 53,500 sq. ft. area building and ample paved area for parking, loading, and outdoor storage needs.

The proposed recycling center is unique in that most of the use standards were not designed with this particular facility's operation in mind; the recycling center these standards were created for is simply not what is happening at his facility. This is a type of specialized recycling and repurposing focusing on data management and electronic waste sorting, recycling, and repurposing (including resale of functioning electronics and their components to third parties). Green Chip Inc. is tailored for the information technology field, not the collection and processing of everyday waste from neighborhoods and businesses. The applicant states that they will provide an outlet for residents and business to drop off unwanted electronic waste, thereby avoiding having it sent to a landfill while at the same time repurposing or recycling it.

6. Whether the proposed exception potentially results in any adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts.

The applicant will be bound by the noise ordinance just as all other operations in the Industrial Park are. There will no detectably fumes beyond the facility, conditioned limits on delivery times, and no aspect of the operation that would make it stand out negatively compared to surrounding business. The applicant will be required to adhere to all applicable federal, state, and local regulations. It will comply with Occupational Health and Safety Management certification OHSAS 18001:2007. It will adhere to the International Organization for Standardization environmental management system requirements for ensuring the facility operates in such a way as to protect the environment (ISO 14001:2015. ISO 14001:2015 specifies the requirements for an environmental management system as part of an overall environmental management program (<https://www.epa.gov/ems/frequent-questions-about-environmental-management-systems>). This provides guidance on providing a safe work environment for employees, and was developed by the international certification body Certification Europe. It also adheres to the R2 standard set forth by the Sustainable Electronics Recycling International non-profit. The R2 Certified Electronics Recyclers program sets responsible recycling standards for the industry (<https://sustainableelectronics.org/sites/default/files/R2-2013%20Standard%20%5BENGLISH%5D.pdf>).

Both programs are recognized by the federal Environmental Protection Agency as best practices for the industry. Due to some concerns expressed by the Planning Commission regarding the nature of the items received and the recycling process on-site, staff recommends an additional condition that the operator shall retain these two certifications for the duration of their use of the site. Per the applicant:

“Green Chip proposes to recycle electronic equipment. We described the type of facility we intend to operate to several DEQ regulators in the solid waste and electronic waste fields. The proposed electronics recycling facility that Green Chip will operate at the 10 Harkness Boulevard location will not be considered a materials recovery facility or solid waste management facility by DEQ. Accordingly, no DPOR license would be required.

As DEQ's website notes, adherence to independent standards such as R2 and e-Stewards is helpful to ensure that electronic equipment recycling is conducted responsibly. Green Chip plans to obtain independent certifications for the Fredericksburg facility as it has done at its two locations in New York City.

Also, electronic equipment generally is considered a "universal waste" under federal law requiring certain storage and handling procedures to be maintained, which Green Chip does at its existing facilities and will do for the Fredericksburg facility, but is not subject to RCRA hazardous waste registration and reporting requirements."

CONCLUSION

The request meets the goals of the Comprehensive Plan. The use is in keeping with the character of development within the Industrial Park. The proposed development will bring jobs and increase the tax base. The proposed conditions will limit adverse impacts. Approval is recommended.

ATTACHMENTS

1. Resolution
2. Application
3. Narrative
4. GDP
5. Traffic Impact Analysis



MOTION:

2020 05 22 draft
Regular Meeting
Resolution 20-

SECOND:

RE: Granting special exceptions for a recycling center at 10 Harkness Boulevard

ACTION: APPROVED:Ayes:0;Nays:0

Green Chip, Inc., as agent for Dominion Real Estate, LLC, owner, has applied to City Council for four special exceptions for a recycling center at 10 Harkness Boulevard (GPIN 7778-78-5342). The requested special exceptions are to certain Principal Use Standards for a “recycling center” set out in City Code §72-41.4(E).

The application includes a General Development Plan entitled “Green Chip Recycling,” dated February 2020, last revised February 10, 2020. The request for special exceptions is being made in conjunction with an application for a special use permit for the recycling center use of the property.

The UDO defines a “recycling center” broadly, to include “any facility in which used materials are separated and processed prior to shipment to others for reuse in the manufacture of new or reconstructed products.” Green Chip proposes to use the subject property for an electronics recycling operation.

Therefore, the City Council hereby resolves that:

- Council makes the following findings with respect to the special exception applications: (a) the proposed use is unique and unlikely of recurrence; (b) the grant of the special exceptions is consistent with the City's Comprehensive Plan; (c) the special exceptions are consistent with the goals, purposes and objectives of the City's zoning ordinance; (d) there has been a sufficient period of time for investigation and community planning with respect to the applications; (e) the special exceptions are consistent with the principles of zoning and good zoning practice, including the purposes of the district in which the special exception would be located, existing and planned uses of surrounding land, the characteristics of the property involved, and the adverse impacts of the proposed use; (f) the proposed use or aspect of the development requiring the special exceptions is special, extraordinary or unusual; and (g) the applicant has demonstrated that its application meets all these criteria.

- Pursuant to Section 72.22.7 of the City of Fredericksburg Uniform Development Ordinance, Council hereby grants special exceptions for a recycling center use at 10 Harkness Boulevard (GPIN 7778-78-5342) from:
 1. Section 72-41.4(E)(1) requiring a recycling center to be on a parcel with an area of at least five acres;
 2. Section 72-41.4(E)(2) requiring a recycling center to be at least 250 feet from any residential zoning district;
 3. Section 72-41.4(E)(3) requiring no part of a recycling center other than a free standing office to be located within 50 feet of any lot line;
 4. Section 72-41.4(E)(9) prohibiting the operation of a recycling center between the hours of 7:00 p.m. and 7:00 a.m.
- The special exceptions are granted with the following conditions:

1. The use shall be developed in substantial accordance with the application dated February 12, 2020, including the General Development Plan;
2. The use shall be limited to the operation of a recycling center for electronic equipment disassembly, data wiping, assessment, refurbishment and recycling, with limited outdoor storage of baled commodities, as described in the application;
3. The use shall commence within 24 months of the date of adoption of this resolution. The use is permitted only so long as it continues and is not discontinued for more than 24 months;
4. Deliveries shall be limited to the hours of 7:00 a.m. to 7:00 p.m.;
5. Outdoor storage shall be limited to a 2,000 square foot area as shown on the Generalized Development Plan.
6. Within six months of the commencement of the use the operator shall obtain and throughout the duration of operation shall maintain best industry standards for responsible recycling of electronic equipment, such as the R2 Electronic Recyclers and ISO 14001:2015 certifications.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 20-, adopted at a meeting of the City Council held _____, 2020, at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council

Michael J. Craig

From: Talken-Spaulding, Kirsten <Kirsten_Talken-Spaulding@nps.gov>
Sent: Wednesday, June 10, 2020 4:15 PM
To: Charles R. Johnston; James D. Newman; Marne E. Sherman; Michael J. Craig
Subject: [EXTERNAL] FRSP MEMO: GreenChip SUP

CORRESPONDENCE TRANSMITTED VIA ELECTRONIC MAIL

United States Department of the Interior

NATIONAL PARK SERVICE
Fredericksburg and Spotsylvania National Military Park
120 Chatham Lane
Fredericksburg, VA 22405

Memorandum

To: City of Fredericksburg, Community Planning & Building Department

From: Office of the Superintendent

Subject: Written comments regarding Green Chip SUP

Thank you for the opportunity to provide comments on the proposed SUP for Green Chip in the industrial park north of the Lee Drive district of the Fredericksburg and Spotsylvania National Military Park. We understand that due to the pandemic in-person meetings have been suspended and all feedback is being provided through written testimony. Please accept this emailed memorandum as such for the national park.

The vegetative screening around the building complex assists with keeping it out of the view shed for park visitors. We note that there is nothing in the proposal that calls for the removal of the screening so we only ask that the buffer be maintained. Also, we note that there **are no**

proposed changes to the building that might change its visibility from the federal lands.

Use Standard #12 states that it is off of Rt. 3, meeting the direction that it be accessed from "a collector or arterial street." Commercial traffic is already prohibited on Lee Drive. We request that the dirt path commonly referred to as "Ceder Lane" be prohibited to commercial and larger-vehicle/truck traffic as well.

Finally, there are a number of special exceptions requested for this permit. Taking these requests case-by-case is critical and allowing an exception for this permittee must not be used as precedent for future requests. That being said, the National Park Service does not have any objection to the exceptions requested, following the recommendation of the city planning office.

As always, should there be questions or further consultation be desired, please do not hesitate to contact me.

Kirsten Talken-Spaulding
Superintendent

Fredericksburg and Spotsylvania National Military Park
120 Chatham Lane
Fredericksburg, VA 22405

(540) 693-3200 x1010
www.nps.gov/frsp

Preferred pronouns: she/her/hers

PLEASE NOTE: Email checked in the morning, mid-afternoon, and later in the day. If your message needs immediate attention, please call or text me directly.

Confidentiality Notice: This E-mail may contain Privacy Act Data/Sensitive Data, which is intended only for the use of the individual to whom it is addressed. It may contain information that is privileged, confidential or otherwise protected from disclosure under applicable laws.