

Town of Huntersville, North Carolina

Special Use Permit Granted

On Monday, November 21, 2005, the Huntersville Town Board held a public meeting to consider the below noted Special Use Permit:

Special Use Permit request by Griffin Brothers Enterprises, Inc. to expand the North Mecklenburg Landfill by 25 acres on the south side of Holbrooks Road near the end if the street, Tax Parcels 01919114, 01919107, 01919112, 01919120, 01919198.

Having heard all the evidence and argument presented at the hearing, the Board finds the application is complete, that the application complies with all of the applicable requirements of the Huntersville Zoning Ordinance for the expansion proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance, the attached Findings of Fact, and the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Town of Huntersville Town Hall.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

IN WITNESS WHEREOF, the Town of Huntersville has cause this permit to be issued in its name, and the undersigned, being all of the property owners of the property above described, do hereby accept this Special Use Permit, together with all its conditions, as binding on them and their successors in interest.

_____, owner(s) of the above identified property, do hereby acknowledge receipt of this Special Use Permit. The undersigned owners do further acknowledge that no work may be done pursuant to the permit except in accordance with all of its conditions and requirements and that the restriction shall be binding on them and their successors in interest.

Owner

NORTH CAROLINA

MECKLENBURG COUNTY

I, _____, certify that the following person(s) personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:.

(Name and capacity of person(s) signing)

Date: _____

Notary Public

(Official Seal)

(Not valid until fully executed)

ADOPTED FINDING OF FACT:

1. *The existing C&D landfill is over 60 acres in size.*
2. *A thoroughfare study was previously funded and the proposed alignment of Verhoeff Drive will be approximately 2,000' south of the proposed landfill expansion area.*
3. *If approved, the landfill expansion area will operate no longer than five years from the date the final state approval is granted for the landfill operation.*
4. *According to the site plan, the expansion area does not exceed 25 acres. The site plan does show a small area to the south of the expansion area that is to be an undisturbed buffer.*
5. *The proposed alignment of Verhoeff Drive will be approximately 2,000' south of the landfill expansion area.*
6. *The site plan prepared by BPB dated September, 2005 shows there will be over a 500' buffer between the fill area and existing residential water supply wells; a 200' buffer from adjacent property to the fill area; and over a 50' buffer from the road right-of-way to the fill area. A more detailed map will need to be submitted indicating details on the C&D landfill (i.e. fill limits, proposed stockpile areas; sediment basins' etc.) to further verify compliance with this subsection. The applicant has stated they will comply with all applicable buffer/setback requirements (see attached letter).*
7. *The North Mecklenburg Landfill has been granted one expansion. If approved, there can be no more expansions under the provisions of 9.23(9). Additional landfill activity would have to comply with the provisions of section 9.23 for new landfills.*
8. *The proposed C&D landfill will comply with all state and Town of Huntersville regulations. In an email dated August 11, 2005, Mr. Mike Stilwell, Solid Waste Compliance Inspector for Mecklenburg County, indicated the site has been inspected by him monthly since July 2003 and there have been no notices of violation for the landfill site. The applicant has stated they will continue to pick-up all trash and materials that are dropped on Holbrooks Road and portions of Hwy. 115 around Holbrooks Road. Further, the applicant has stated they have contracted a person to clean-up all roadside litter on Holbrooks and Old Statesville Road from North Meck High School to Gilead Road every Monday and Thursday (see attached).*
9. *There is no detailed plan adopted for the area in question. Therefore the proposed use does not conflict with any adopted plan.*
10. *The Traffic Impact Analysis has been submitted and review by the Town Traffic Engineer. Mr. David Jarrett, Town Engineer, is requesting that Holbrooks Road be improved at the intersection with NC 115 to a three-lane section.*
11. *The North Mecklenburg Landfill will comply with all Town of Huntersville buffer requirements.*
12. *The North Mecklenburg Landfill shall comply with the vehicular and pedestrian access standards of this subsection.*
13. *According to the application submitted, there will be no filling in the regulated floodplain.*
14. *The site plan indicates driveways serving the site are at least 30' wide which is enough to accommodate two-way traffic.*

15. *The landfill operator shall remove all debris, dirt, and other materials in accordance with this provision.*
16. *The applicant shall be limited to the hours of 7am until 6pm Monday through Saturday since this site adjoins property zoned residential.*
17. *The landfill operator shall provide an irrevocable letter of credit in compliance with this subsection ensure the landfill area will be closed in an approved fashion.*
18. *The applicant intends to fill the expansion site to about 20% capacity per year for a five year time period according to the application.*
19. *According to the application, "NCDENR details the minimum requirements and monitoring methods to which we must perform upon closing the facility. We have a 30 year ground water monitoring commitment. Per the included area map, our property will be very compatible for a county or town park. We are willing to commit to this post closure.*
20. *The property proposed for the landfill expansion area is zoned Transitional Residential.*
21. *The proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property;*