



### **Special Use Permit Application**

Subject: Letter stating how the applicant satisfies Article 9

Date: 5/1/2016

Greenway Waste Solutions, LLC has been operating in its current use since 1988. During this time Greenway Waste Solutions, LLC has operated under the purview of Article 9.23 and satisfied all criteria. Greenway Waste Solutions, LLC will continue to satisfy Article 9.23. Greenway Waste Solutions, LLC is filing a variance for two line items in Article 9.23.4.c as noted below.

Sincerely,

Macon Carroll  
Greenway Waste Solutions

### **9.23 Off-Site Land Clearing and Inert Debris (LCID) and Construction & Demolition (C&D) Landfills**

Off-Site LCID and C&D Landfills are permitted in the SP District subject to a Special Use Permit, according to the procedures of [Section 11.4.10](#). The Town Board shall issue a Special Use Permit for the subject facility in the SP District if, but not unless, the evidence presented at the Special Use Permit hearing establishes the conditions below.

.1 That the site will operate in compliance with the rules according to NCDENR for C&D and LCID landfills, as amended.

**This site will operate in compliance with the rules according to NCDERN and C&D LCID landfills, as amended.**

.2 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and

**This site will not endanger the public health and safety, nor substantially reduce the value of nearby property** as the facility's use will not change. The proposed changes will not alter the way in which the site and neighborhood interact.

.3 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and

**This site will not be in conflict with the objectives of the most detailed plan adopted for the area, the East Huntersville Plan.** The proposed site fits into the local economy and goals of this plan as a place where people can live and work. The facility has been an active member in the community and will continue to stay involved.

.4 That the comprehensive site plan addresses each of the environmental and development standards below:

a). A landfill which would be larger than 10 acres shall be accessed from a major or minor thoroughfare or from a street built to commercial street standards that connects directly to a major or minor thoroughfare. Landfills 10 acres or less must directly connect to a major or minor thoroughfare, or to a non-residential collector or non-residential local street where



available. However, if such thoroughfares or streets are not reasonably available, the Board may nevertheless issue a special use permit upon finding that the use for which the permit is granted would not likely cause any injurious effect on the property adjacent to the access.

The landfill, which is greater than 10 acres, is accessed by minor thoroughfare and from a street built to commercial street standards that connects directly to a major thoroughfare.

b). That the proposed or existing use will be in compliance with the rules and regulations as established by the Traffic Impact Analysis (TIA) Article 14.

A Traffic Impact Analysis was not deemed necessary.

c). Neither clearing, grading, land disturbing activities nor any portion of a C&D or LCID landfill may be located within 100 feet of any exterior property line. Further, the buffer requirements for the site are required per the state permitting criteria. The requirements stated below take precedence over any and all modification made by the state unless the state standards become more restrictive.

500-foot buffer from existing residential water supply wells to fill area.

200-foot buffer from adjacent property to fill area.

No fill in designated wetlands or the FEMA and/or Community Special Flood Hazard Areas.

50-foot buffer from delineated streams.

50-foot buffer from road right-of-way to fill area (non-state requirement).

The site is currently in compliance with all criteria in this section. A variance request is being filed for the following: "50' buffer from delineated streams" and "No fill designated wetlands or the FEMA and/or Community Special Flood Hazard Areas."

d). Driveway access to the facility must be paved for a distance of at least 100' from the public street.

Driveway access to the facility is paved for a distance of at least 100' from the public street.

e). Vehicular and pedestrian access to the site must be controlled; the site must be closed and secured during hours when filling activities are not under way. A non-climbable fence, at least 6' high, shall be installed around the landfill and all of its operations as a safety device. These fences must be constructed of wire mesh with openings not to exceed 2 inches by 4 inches or equivalent and must be placed on the interior side of screening/buffering devices.

The site is closeable and secured from vehicular and pedestrian access. The applicant is filing for a variance to the fencing requirements.

f). All driveways which serve the site must be wide enough to accommodate two-way traffic for a distance of at least 100' from the public street so that no traffic waiting to enter the site will be backed up on any public right-of-way.

The driveway that serves the site is wide enough to accommodate two-way traffic for 200 feet from the public street. There is ample room such that traffic should not enter the public right of way.

.5 That the landfill operator will be responsible for removal of any and all debris, dirt, or other materials which fall from trucks entering or leaving the landfill from all adjoining streets on at least a weekly basis. Failure to comply constitutes a violation of this ordinance and may constitute grounds for revocation of the operating permit.



Since inception we have taken pride in keeping the roadways clean. This process starts on site where we provide a well groomed tipping floor for our customers. From there we maintain gravel roads to removed dirt from tires. Lastly, the site operators routinely wash the street with a specialized truck designed to remove any dirt or mud. Additionally, the operator takes pride in keeping the roadside clear of debris. This includes debris that is not related to our facility.

.6 That the use of the site for any purpose shall be limited to the hours of 7:00 a.m. until 6:00 p.m. Monday through Saturday, if the site adjoins or is across the street from property located in a residential district.

**The use of the site is limited to the hours of 7:00AM until 6:00PM, Monday through Saturday.**

.7 That a timetable has been submitted with the application indicating the development phases and the projected life expectancy of the landfill.

**An updated timetable has been submitted with the application.**

.8 That a reclamation plan is provided that shows how the site will be reclaimed upon the closing of the landfill. The reclamation plan shall state the proposed method of conservatorship and perpetual maintenance or use. It shall demonstrate that the site, when closed, will pose no threat to public safety; that the finished contours and groundcover will reestablish a compatible appearance with surrounding lands and buildings; and that the method of maintenance or use will cause no future environmental degradation.

**Per NCDEQ we have a 30 year responsibility to maintain the site, this process is bonded to ensure that it will be done.**

.9 An existing LCID landfill shall not be required to be brought into compliance with the provisions of this ordinance provided:

**This not applicable to this site.**

a). The landfill has been continuously operating since 1990 and was not within the zoning jurisdiction of the Town of Huntersville in 1991;

b). The landfill has a valid LCID or demolition landfill permit and/or obtains any renewals of the LCID or demolition landfill permit required by the State of North Carolina and/or Mecklenburg County;

c). The landfill has a closure plan approved by the State of North Carolina and/or Mecklenburg County; and

d). In no event shall the landfill operate under a LCID or demolition landfill permit later than December 4, 2016 and further provided that on the earlier of the final date permitted for operation of the landfill or the date the landfill permanently ceases operation, the owner and/or operator of the landfill shall immediately commence and continuously pursue to completion closure of the landfill according to the provisions of the then current closure plan approved by the State of North Carolina and/or Mecklenburg County. Failure to complete closure according to such approved plan shall be a violation of this ordinance enforceable by all remedies and penalties available to the Town.

.10 Any existing C&D landfill shall be permitted to continue operation in the zone in which it is located provided the landfill has an unexpired special use permit. Any expansion beyond the property boundary of an existing C&D landfill as approved on November 11, 2005 must be



located in the SP district with a special use permit in accordance with the provisions of this Section.