



Special Use Permit Amendment Granted

On Monday, December 7th, 2009, the Huntersville Town Board held a public meeting to consider the below noted Special Use Permit Amendment:

SUP05-01: Special Use Permit amendment request by Griffin Brothers Enterprises, Inc. to remove the expiration date of the permit and to amend its conditions as described in the attached finding of fact; Tax Parcels 01919114, 01919107, 01919112, 01919120, 01919198, 01910117, 01910102, 01910108, 01919113.

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 operation 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.

Michael L. Griffin, Sec/Treas., 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.

A handwritten signature in black ink, appearing to read "Michael L. Griffin", written over a horizontal line.

Owner

Planning

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NORTH CAROLINA

MECKLENBURG COUNTY

I, Michelle V. Harris, 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:.

Michael L. Griffin Sec/Treas.

(Name and capacity of person(s) signing)

Date: Feb. 18, 2010

Michelle V. Harris
Notary Public



(Official Seal)

(Not valid until fully executed)

AMENDED FINDINGS OF FACT (as amended 12/7/09):

1. *The North Mecklenburg Landfill is an existing landfill with an unexpired special use permit that would be allowed to continue to operate in its current zoning designation per Article 9.23.10. The proposed application is to amend the existing special use permit to remove the expiration date so it can continue its use within its current boundaries indefinitely; infilling the site as shown on the site plan. The “infill” area would be located between two closed fill areas that currently exist onsite. No expansions are currently proposed. No rezoning to SP would be required as long as 1. The special use permit does not expire and 2. No expansions outside of the current property boundaries take place. The current special use permit is good through October 26th, 2011.*
2. *The NCDENR (North Carolina Division of Environment and Natural Resources) permit was approved on October 26th, 2006 and is attached for reference. Please also find an email from Joe Hack (Solid Waste Management, Mecklenburg County). Mr. Hack reports no violations or compliance issues in the last five years. The North Mecklenburg landfill will continue to be subject to the NCDENR rules and regulations.*
3. *Per the email from Mecklenburg County Waste Management, staff has no reason to believe public health, safety, or property values will be negatively affected by the amended special use permit.*
4. *The proposed use does not conflict with any adopted/accepted small area plans. However, the East Huntersville Plan does call for a connector road to be established through the proposed property in question (connecting the proposed North Mecklenburg Industrial Park to the south with the future Asbury Chapel Road extension to the north). The applicant has agreed to reserve right-of-way for the future connection as shown in the East Huntersville Small Area Plan. It is unclear at this time who would be responsible for constructing the connector road through the subject property.*
5. *The applicants intend to continue to use Holbrooks Road as their main access to the facility as no thoroughfare or commercial street is currently available. Please see the letter from the applicant attached. They have agreed to move their main entrance from Holbrook Road to the future thoroughfare (Asbury Chapel Extension) to the north or the commercial business park roads (North Mecklenburg Business Park) to the south. However their proposal would only make the move required if a completed and constructed street along with associated right of way becomes immediately adjacent to their property. No proposal to construct any of the proposed thoroughfares or commercial streets (on or off their property) has been offered. Please find an email from Max Buchanan (Huntersville Public Works Director dated November 3rd, 2009) attached. According to Mr. Buchanan, the NCDOT Maintenance Engineer for the area has stated that “Holbrooks Road requires regular maintenance activities be performed due to a large volume of truck traffic on pavement structure not designed to carry such volumes/weights”. However no proposal for improvements or maintenance for Holbrooks Road has been received (other than to clean debris and trash; see below) from the applicant.*
6. *Because the facility existed prior to the effective date of the TIA ordinance, it is not required to submit a traffic impact analysis per Article 14.2.1 (G). However if there is ever an expansion to the outer property boundaries of the site, a TIA may be required if the expansion meets the threshold requirements of Article 14.*

7. *The North Mecklenburg Landfill letter states that they comply with all buffers listed above except one. The northwest portion of the property has an existing dirt road that is within the 100 foot undisturbed buffer area. This is a pre-existing condition that, because of the location of closed out fill areas, can not reasonably be changed.*
8. *According to the attached letter from the applicant, their main driveway is paved 170 feet back from Holbrooks Road to their gated entrance.*
9. *The North Mecklenburg Landfill currently has a security fence that extends around the active fill area and the front main entrance. The closed out fill area does not have a security fence.*
10. *The application letter lists the driveway entrance at 48 feet wide 100 feet back from Holbrooks Road.*
11. *In the letter attached, the applicant has agreed to be responsible for a weekly cleaning of Holbrooks Road.*
12. *The North Mecklenburg Landfill is adjacent to and inside a residential zoning district therefore the restricted hours of operation will apply.*
13. *The letter from the applicant estimates the new life expectancy of the landfill to be 25 years.*
14. *Please find the proposed reclamation plan submitted by the applicant attached. The submitted information has not been approved as of yet by NCDENR.*
15. *The North Mecklenburg Landfill is a Construction and Demolition Landfill (C&D) and is not subject to this section of the ordinance. This section of the ordinance applies to Land Clearing and Inert Debris Landfills (LCID).*
16. *The current special use permit for the North Mecklenburg landfill is currently unexpired and valid. It states that the landfill could operate no longer than five years from the date the final state approval is granted. The state approval was granted in October 26th, 2006 therefore under the current special use permit the landfill needs to cease operation on or before October 26th, 2011. This proposed special use permit amendment however would remove the time restriction from the permit and the existing landfill would be allowed to continue to operate within its current boundaries indefinitely per the article above.*

Conditions added by the Town Board at the Special Use Permit Hearing

17. *The applicant must be annexed into the Town of Huntersville.*
18. *The applicant must enter into a franchise agreement with the town that will have an expiration date 10 years from the date of the approval. The special use permit has no expiration date.*
19. *The safety, stability, and capacity to handle commercial trucks for Holbrooks Road must be revisited by the Town and NCDOT in 5 years.*
20. *The applicant will donate \$25,000 for the improvements and/or maintenance of Holbrooks Road within the 10 year term of their franchise agreement with the Town.*