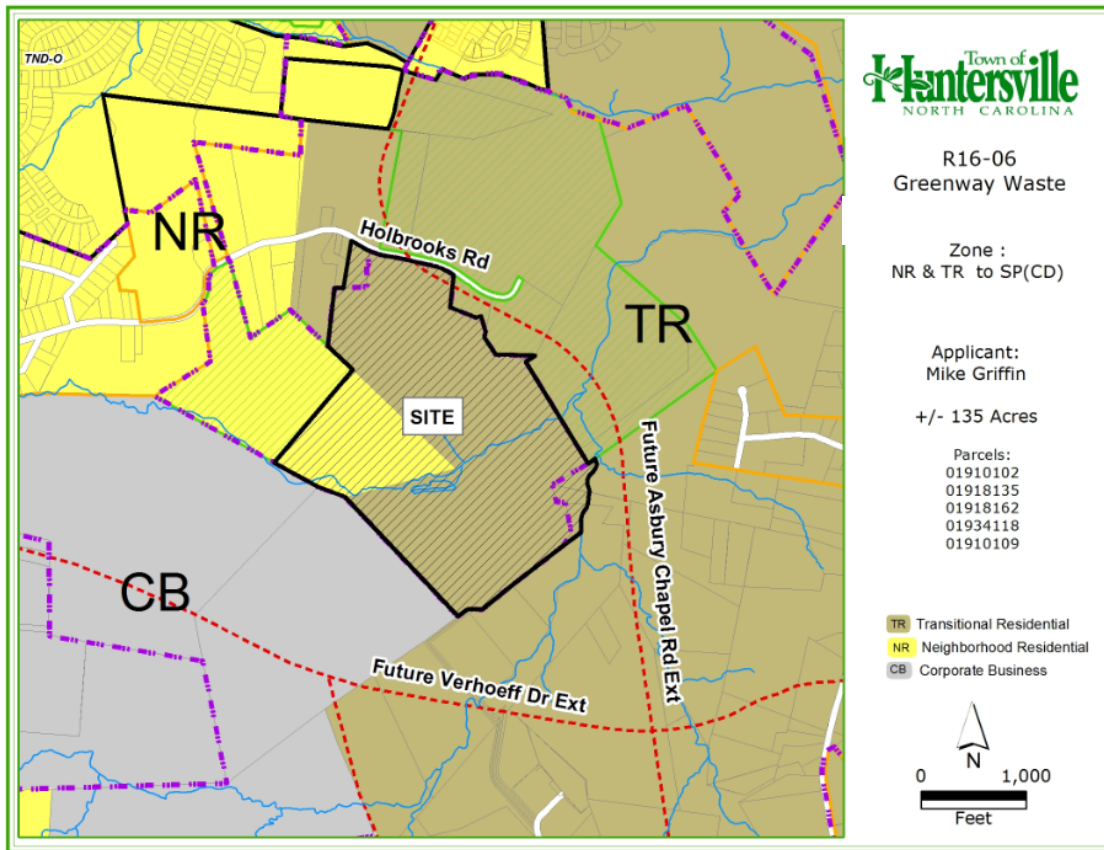


Petition R16-06 Greenway Waste Solutions Landfill

PART 1: PROJECT SUMMARY



Applicant: Mike Griffin

Property Owner:
Greenway Waste
Solutions, LLC and
Mike Hammill

Property Address:
15300 Holbrooks
Road, 15120
Holbrooks Road, and
others.

Project Size: 135
acres

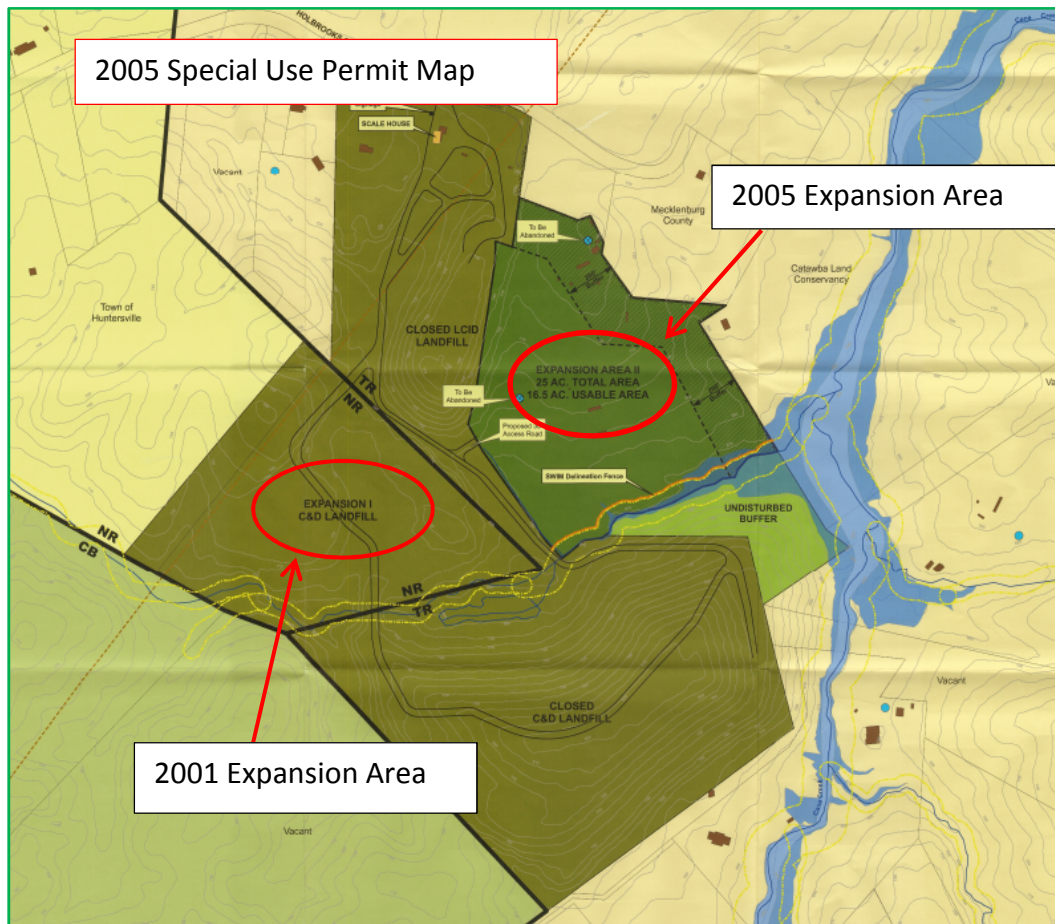
Parcel Numbers:
01910102, 01910109,
and portions of
01918135, 01918162,
01934118

Application Summary:

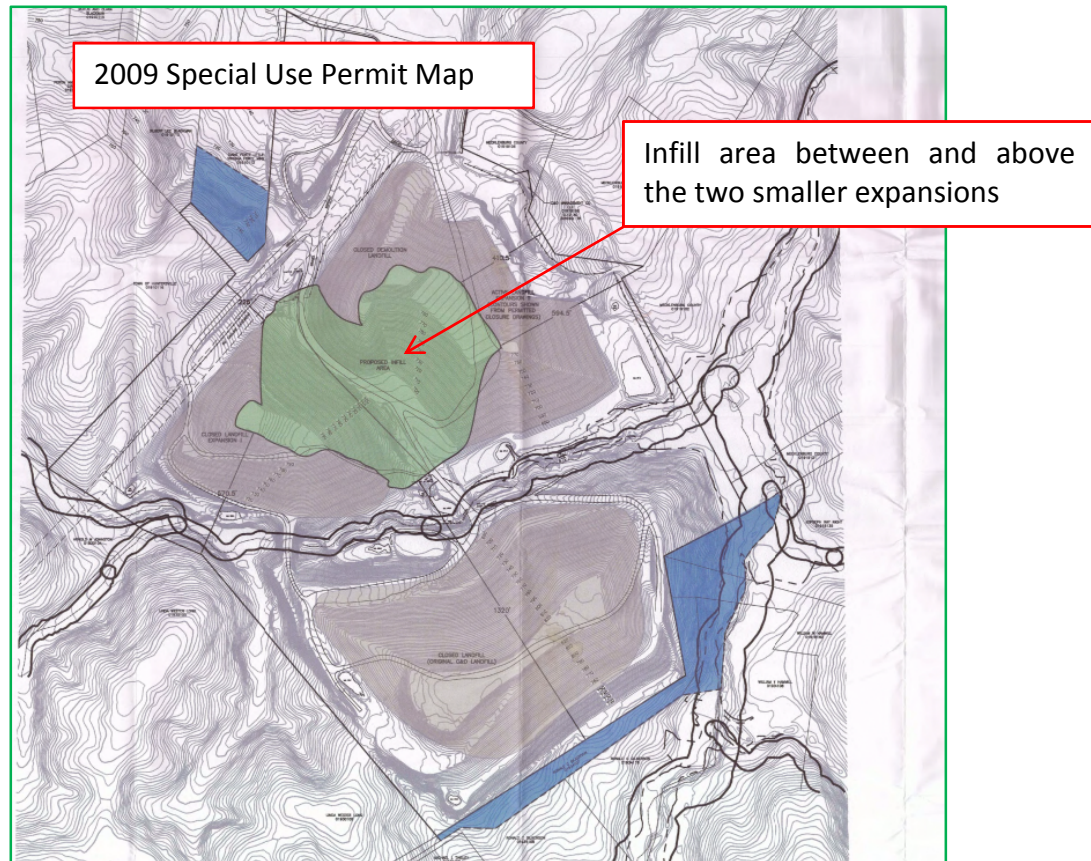
- Greenway Waste Solutions, LLC has submitted a conditional rezoning application to rezone their property from Neighborhood Residential (NR) and Transitional Residential (TR) to Special Purpose Conditional District (SP-CD). The purpose of the rezoning is to allow the applicant to seek a Special Use Permit (SUP) for an expansion of their landfill operation and accommodate the construction of a recycling facility on the site.
- UPDATE 9/19/16: The applicants have altered their plan and no longer propose to pipe and fill on top of the creek.
- Adjoining Zoning and Land Uses
North: Transitional Residential (TR), Park Land: David Waymer Regional Flying Park, Vacant Land
South: Corporate Business (CB), Commerce Station Business Park, Vacant Land
East: Transitional Residential (TR), Large Lot Single Family Residential, Vacant Land
West: Neighborhood Residential (NR), Vacant Town Land, Single Family Residential
- The Greenway Waste Solutions Landfill is considered a Construction and Demolition (C and D) landfill in the Huntersville Zoning Ordinance and is regulated by Article 9.23 of the ordinance. It is also regulated by the State of North Carolina Department of Environment and Natural Resources Division of Waste management (NCDENR)
- The landfill has been in operation on Holbrook Road since June 24, 1993. After the adoption of the Huntersville Zoning Ordinance in 1996, the landfill became and operated as a legal nonconforming use due to being located in a residential zoning district. As a legal nonconforming use, the landfill could continue its operation but could not expand unless that expansion was in complete conformance with the zoning ordinance.
- On December 18, 2000 per the landfill's request, a text amendment to the zoning ordinance was approved by the Huntersville Town Board allowing one expansion of the facility not to last more than 5 years from the

approval of the NCDENR permit. In 2001 the landfill was permitted its first expansion per the new ordinance. See 2005 Special Use Permit Map below.

7. On September 19, 2005 per the landfill's request, a text amendment was approved by the Town Board modifying the number of expansions allowed for landfills from one to two, with the issuance of Special Use Permit (SUP). The time limit remained at 5 years for each expansion to operate.
8. On November 21, 2005 a Special Use Permit was approved allowing the landfill to have its second expansion for no more than 5 years. Please see the 2005 SUP map below showing the locations of the two expansions.



9. On December 7, 2009 per the applicant's request, a text amendment was approved by the Huntersville Town Board which significantly modified the requirements of Article 9.23. Noteworthy changes included:
 - Added flexibility to allow landfills to not have immediate access on a thoroughfare provided the Town Board finds that the access "would not likely cause any injurious effect on the property adjacent to the access".
 - Allowed existing landfills to continue their operation indefinitely as long as the landfill had an unexpired Special Use Permit and did not expand its exterior boundaries.
 - Deleted the landfill expansion section so that any expansion of a facility would need to fully conform to current ordinance standards.
10. On December 7, 2009 the Town Board approved the landfill's Special Use Permit (SUP) amendment application allowing them to fill in between the previous two expansions and removing its 5 year expiration date. This allowed the landfill to continue its operation as exists indefinitely as long as there was no expansion to its boundaries. The submitted lifespan of the landfill at that time was 25 years. Please see the 2009 SUP map below. The approved SUP itself is included in your agenda package for reference.



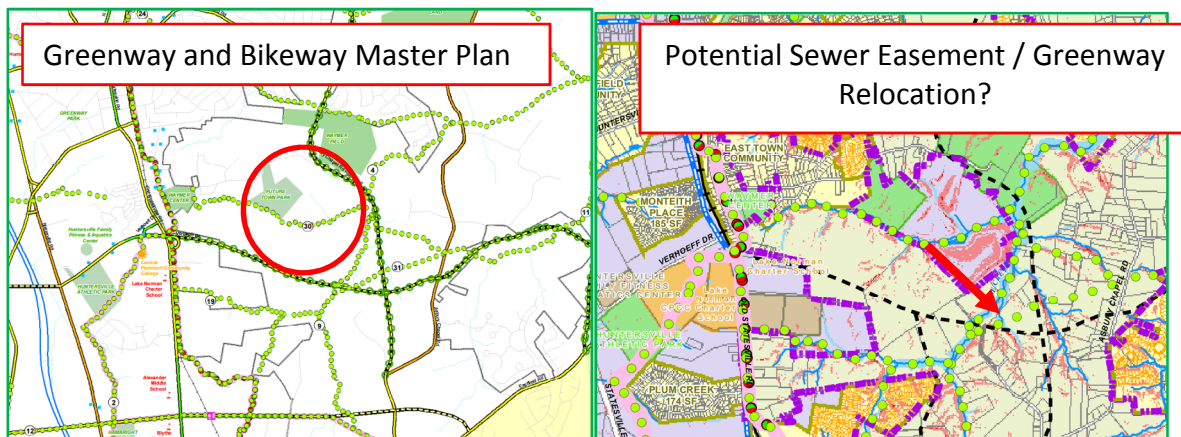
11. The rezoning plan/Special Use Permit plan also includes a 30,000 sqft recycling building located toward Holbrooks Road. The purpose of this metal building is to make the recycling and separation of the construction debris more efficient. This facility would reduce the amount of waste added to the landfill and thus increase the lifespan of the use.
12. It is estimated that with the addition of the recycling facility, the lifespan of the landfill will be extended another 20+ years.
13. Article 9.23 of the Huntersville Zoning Ordinance requires that landfills in the SP district be issued a Special Use Permit by the Town Board. The Special Use Permit (SUP) is being processed concurrently with the rezoning application. Therefore the SUP is tentatively scheduled to go before the Planning Board on August 23 for recommendation to the Town Board at their September 6 meeting.
14. A neighborhood meeting was held on Monday June 27, 2016. The invitation list, attendance list and summary of the meeting are included in your agenda packet.

PART 2: REZONING/SITE PLAN ISSUES

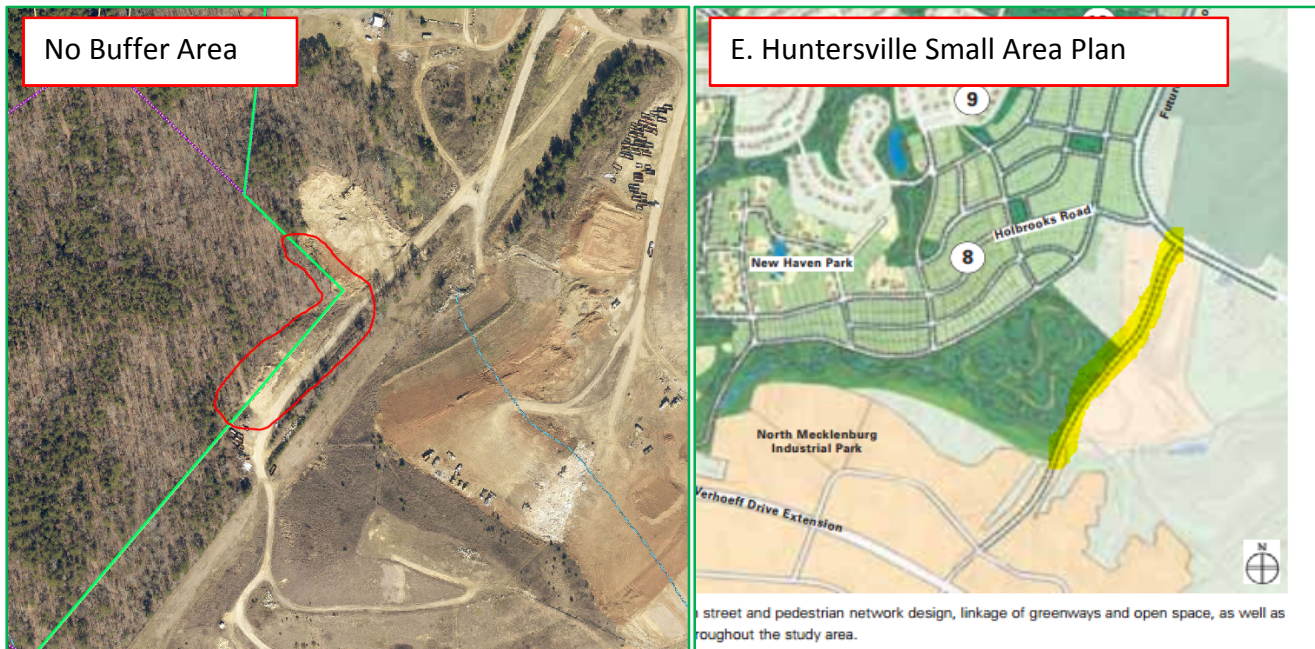
- Article 9.23.3 requires that landfills “not conflict with the objectives of the most detailed plan adopted for the area”. A greenway is planned along the stream that runs through the applicant’s property (see the Greenway and Bikeway Master Plan map below). It is common to locate greenways and other recreational areas in landfills after the site has been filled and closed.

UPDATE 10/17/16: The updated plans submitted shows the proposed greenway going along the creek as generally depicted in the Greenway and Bikeway Master Plan. However there is no reservation area identified

on the plan. As described above, staff recommends a 100 foot reservation/easement to allow for construction of the greenway. In addition, the other locations of the proposed greenway along Holbrooks and along the southern property line should be labeled as “alternative locations if approved by the Town of Huntersville”.



- Article 7.5 of the Huntersville Zoning Ordinance requires that developments in the Special Purpose (SP) zoning district provide an 80 foot buffer adjacent to their property lines (if not adjacent to other CB, SP, or CI zoned property). To conform to this section of the ordinance, wherever existing vegetation does not exist within the 80 foot buffer area, an opaque planted buffer would need to be installed. The applicants are seeking modification of the buffer requirements through the conditional rezoning process, per Article 11.4.7 K. The rezoning plan shows the areas where modification is proposed in a hatched green shading. (See rezoning plan below on page 7)
 - Article 2.3 of the Huntersville Zoning Ordinance states that when projects are redeveloped, they need to come up to current zoning code “to the extent practicable”. Considering this is an existing landfill endeavoring to redevelop to current zoning standards, staff is generally supportive of the modification except for the one area shown below. From aerial photography, not including areas proposed to be planted per the ordinance, there seems to be about 20-50 feet of existing vegetation around the entire perimeter of the site except for the area shown below. In this area the grading and clearing have encroached up to the property line. Therefore staff recommends this area be landscaped per ordinance requirements to establish an opaque buffer.
 - UPDATE 8/12/16: The updated plans submitted by the applicant do not include any buffering or screening in this area.
 - UPDATE 9/19/16: The new plan submitted notes that this area will be planted with Leyland Cypress, or other evergreen trees to provide a screen. Staff is supportive of this note and modification as long as the trees are planted in such a way as to create an opaque screen of the use from adjacent property.
- The subject property is not located within the boundaries of any of the Small Area Plans adopted by the Town of Huntersville. However, the East Huntersville plan does mention and recommend a connector road in between the proposed Verhoeff Drive extension to the south and the future Asbury Chapel extension to the north. The north/south connector road could traverse the subject property. Staff recommends that the applicants reserve right of way, or commit to accommodate a street connection through their property. In the 2009 SUP, the applicants reserved the right of way in the area of the gas pipeline and buffer at the southwest edge of the property through their main entrance. Something similar could be done for this application as well. Please see a portion of the E. Huntersville Small Area Plan below.



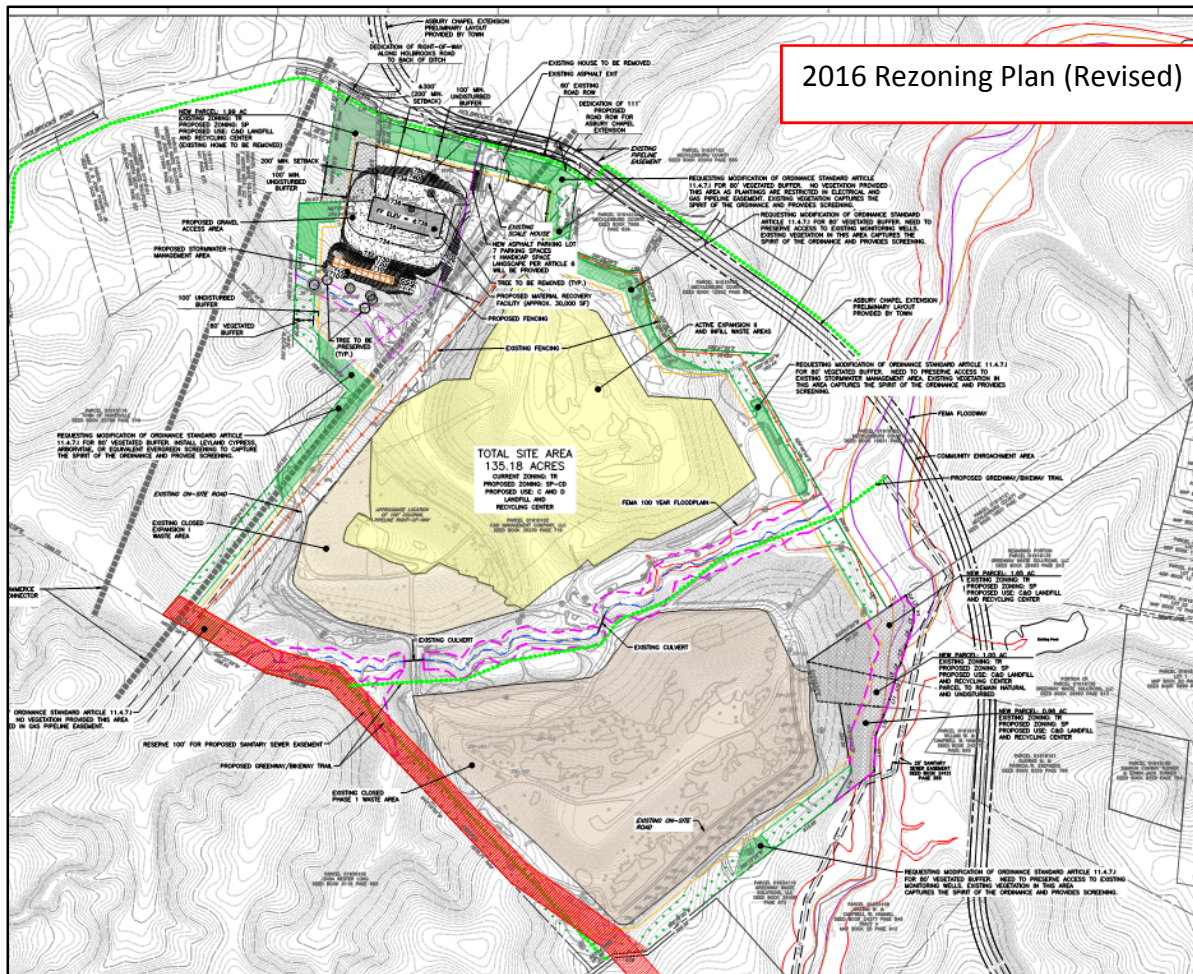
- UPDATE 8/12/16: The updated rezoning plan submitted by the applicant does not include a note or commitment to accommodate a future connector road through the property.
- UPDATE 9/19/16: After discussing with the applicant, they stated they would add a note on the new plan that states that they would reserve right of way for the future connector street on any property within their ownership once the future alignment of that road is finalized. Staff supports this condition. However the actual note on the plan needs to be amended so that “connector” is added to the language. It currently reads that right of way for only the Asbury Chapel and Verhoeff extensions would be granted.
- UPDATE 10/17/16: Note #10 on the rezoning plan clarifies that the proposed connector road would be accommodated for.
- Article 9.23.4 A of the Huntersville Zoning Ordinance requires that landfills over 10 acres 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”. The existing landfill does not have access to a thoroughfare or a street that is built to commercial street standards. Access is from Holbrooks Road, which is a secondary residential street. The ordinance states that the Town Board may issue a SUP for a landfill that does not front on a thoroughfare or commercial street if it finds that it “would not likely cause any injurious effect on the property adjacent to the access”.

When the last Special Use Permit application was submitted in 2009, the NCDOT district engineer commented in an email to the applicant that Holbrooks Road “does not possess the pavement structure to accommodate the truck traffic it has experienced and will be subject to with the continued use your company is planning”. Please see the email attached in your agenda packet. The SUP was eventually approved with an added stipulation that the condition of Holbrooks road be reviewed in 5 years. Another condition was that the applicant contribute \$25,000 in the next 10 years toward the maintenance of Holbrook Road. In December of 2014 public works and engineering staff inspected Holbrook Road and found that it was in good condition as NCDOT had just finished repaving the street in 2013 (added 4 inches of asphalt). As of this date, the applicant has not forwarded the \$25,000 to NCDOT for the street maintenance. In regard to this application, NCDOT has similar concerns. Please find correspondence from the District Engineer attached in your agenda packet. The approved 2009 Special Use Permit is also included in your agenda packet for reference.

- UPDATE 8/12/16: Staff is not aware of any further discussions the applicant has had with NCDOT about the durability of Holbrook Road, or whether or not the core samples of the road have been taken per the District Engineer's request.
 - There are no notes on the updated rezoning plan that address the maintenance of Holbrook Road.
 - UPDATE 9/19/16: The newest plan submitted has no notes about the maintenance and structure of Holbrook Road. However the letter submitted by the applicant with the application states that they intend to "connect to the future Verhoff/Asbury Chapel Extension and will reserve a right of way for the future connection to a potential industrial street to the south through the Commerce Station Industrial Park by 2034". Per past discussions with the applicant it is thought that this note is intended to cap or limit their usage of Holbrook Road to no longer than the year 2034, as well as provide their intent of making the connection from their site to one of the future thoroughfares by that time. Staff recommends that if that is the case, the note be clarified to clearly state that on the rezoning plan. It is still also unclear if the \$25,000 committed to at the last SUP approval would carry over as a condition for this project.
 - UPDATE 10/17/16: Note #11 on the latest plan submitted states "Greenway Waste Solutions shall have alternative access to replace Holbrooks Road by 2035". Staff recommends the note be clarified to read: "Greenway Waste Solutions will cease using Holbrook Road as its primary access and will have functional primary access onto a commercial street or thoroughfare by 2034". 2034 is the year that based on prior approvals, permission has already been granted for the use of Holbrook Road.
 - Note #13 on the updated plan includes a series of notes in regard to the maintenance and improvement of Holbrook Road. They include:
 - Conducting the boring tests to determine the current pavement structure of Holbrook Road, per NCDOT's request.
 - Overlaying Holbrook Road in front of the facility as requested by NCDOT.
 - Carrying over the previously offered \$25,000 contribution for improvements to Holbrook Road as part of this application.
 - Reassessing the condition of Holbrook Road with Town Staff and NCDOT in 2025, about the half way point between now and 2034 when they've agreed to stop using Holbrook Road.
 - The applicant would then contribute additional funds at that time if the Town and NCDOT deem it necessary.
 - Planning staff is supportive of these proposed conditions in principle. However it is recommended that the \$25,000 be donated immediately as it was originally committed to maintenance of Holbrook in 2009; and NCDOT spent a considerable amount on maintenance on Holbrook Road in 2013. This contribution thus should have been forwarded at that time. Staff would also recommend that the note concerning the contribution in 2025 be specified to understand what maximum amount would be contributed.
 - Transportation staff further recommends that rather than delaying the contribution until 2025, the applicant set up an escrow account and contribute a specified amount immediately. Then if it's needed between now and 2025 NCDOT can use the funds. If it's not needed in 2025, it can be returned to the applicant. The language should also be changed to clarify that NCDOT should receive all funds as they maintain Holbrook Road.
- Article 7.4 of the Huntersville Ordinance requires that development in the SP district save a minimum of 30% of the specimen trees located on the site. A tree survey of the existing trees needs to be submitted to determine what specimen trees are located on the site and how many are required to be saved.
 - UPDATE 8/12/16: The updated rezoning submittal did not include a tree survey to ensure compliance with the tree save requirements of the ordinance.
 - UPDATE 9/19/16: The newest plan submitted still has no tree survey included. With the removal of the new fill area from the plan, the actual removal of trees would be greatly reduced. However some trees

would still need to be removed in the area proposed for the new recycling facility. Therefore a tree survey is still applicable.

- **UPDATE 10/17/16:** The updated plan submitted shows the existing trees located in the disturbed area near the proposed recycling facility. In that area there are 5 specimen trees shown and 4 are proposed to be preserved, leaving 80% specimen tree save in conformance with the ordinance.
- Article 6 of the Ordinance requires .25 spaces of parking per 1000 sqft of warehouse/manufacturing building. With the newly added building, a new formal parking area of 8 parking spaces along with landscaping is required. No formal parking area is currently located at the site.
 - **UPDATE 8/12/16:** The updated rezoning plan includes required parking spaces along the edge of the future recycling building. However Article 6 of the ordinance requires that the parking area include an asphalt driveway as part of the parking area and formal landscaping around the perimeter of it. The updated plan shows gravel around the perimeter of the parking spaces and no landscaping per ordinance requirements.
 - **UPDATE 9/19/16:** The new plan submitted shows an asphalt parking area and notes that it will be landscaped per ordinance. Staff supports this amendment as meeting the intent of this section of the ordinance.
- Article 9.23.4 D states that driveways from the landfill need to be paved a distance of 100 feet back from the public street. The main entrance drive is paved with asphalt in conformance; however the exit drive is paved only about 20 feet back.
 - **UPDATE 8/12/16:** The updated rezoning plan shows the exit drive to be paved 100 feet back from ROW in conformance to the ordinance.
- Article 9.23.4 E states that “a non-climbable fence, at least 6’ high, shall be installed around the landfill and all of its operation as a safety device”. The rezoning plan does not indicate the site is secured with the required security fencing.
 - **UPDATE 8/12/16:** The letter from the applicant states that the site is “closeable and secured from vehicular and pedestrian access” but does not provide how that is done. The letter also mentions that a variance will be submitted for the fence requirement. No variance application has been submitted for this section of the ordinance. The updated rezoning plan includes a note stating that “heavy vegetation” prevents access to the site. The submitted information does not provide conformance to the fence and security requirement of this section of the ordinance.
 - **UPDATE 9/19/16:** The new rezoning plan includes a modification request to the Town Board from the fencing section of the ordinance. It states that the new recycling facility near Holbrook Road would be fenced and shows an existing fence along the northern sections of the landfill. However it implies that the remainder of the site, the southern portion, would not be fenced. A note on the plan states that “heavy vegetation prevents access to the remainder of the site”. Staff cannot support this modification request at this time as it is unclear whether or not heavy vegetation provides a secure facility as intended in the code.
 - **UPDATE 10/17/16:** The updated plan modifies the above note, which commits the applicant to enclose the rest of the active facility with a fence within 90 days of either development happening adjacent to the property, or the greenway begins construction through the applicant’s property.
 - Staff has no objection to this modification with the added condition.
- Article 9.23.6 requires that the hours of operation for landfills be limited to 7 am to 6 pm. The rezoning plan should be amended to add a conditional note with the required hours of operation.
 - **UPDATE 8/12/16:** The updated letter from the applicant notes that the hours of operation will be limited from 7 am to 6 pm. That same note should be added to the rezoning plan as a condition of the rezoning.
 - **UPDATE 10/17/16:** The hours of operation have been added to the rezoning plan in note #12.
- On July 21, 2016 an updated rezoning plan was submitted to staff for review. However since there was not enough time to do the review prior to the Town Board agenda deadline, any changes will be highlighted at the Public Hearing.



PART 3: TRANSPORTATION ISSUES

- Based on the proposed addition to the existing land use, a TIA due to the expansion was not required.

PART 4: REZONING CRITERIA

Article 11.4.7(d) of the Zoning Ordinance states that “in considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents”.

STAFF COMMENT – Staff finds the proposed use consistent with the following policies of the **2030 Huntersville Community Plan**:

- Policy CD-2: Focus higher intensity development generally within 2 miles of the I-77 and NC 115 corridor.** The landfill is just inside the two mile radius of the I-77 and NC 115 Corridor.
- Policy ED-12: Business Retention and Expansion.** The landfill expansion would prevent the premature closing of this local business in the Huntersville area, and continue to serve the Town and surrounding region in Construction and Demolition waste needs for years in the future.

STAFF COMMENT – Staff finds the proposed use not consistent with the following policies of the **2030 Huntersville Community Plan**:

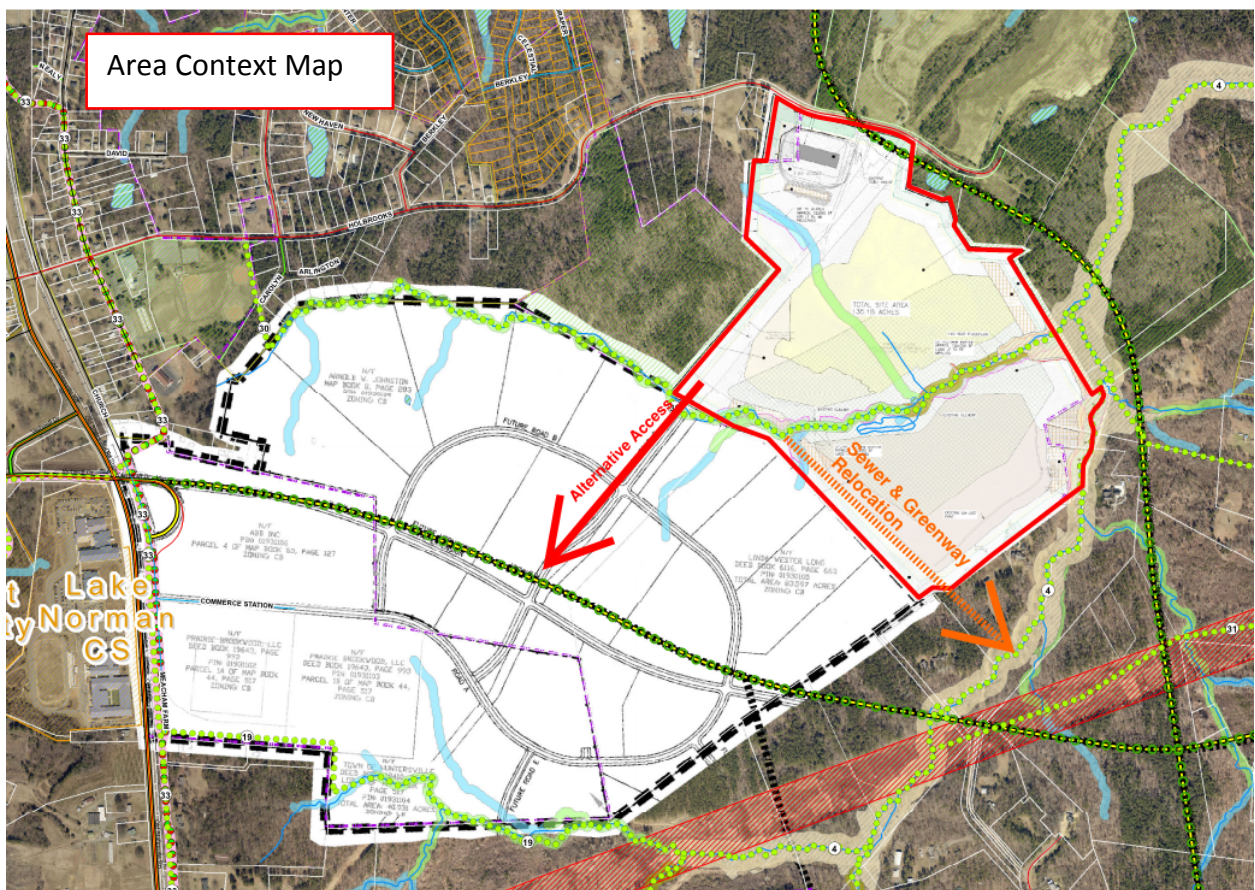
- **Policy T-6: Pedestrian Connections.** This policy supports the installation of sidewalks, bikeways, and greenway trails connecting various uses. The application does not accommodate the greenway planned through the property as shown on the Huntersville Greenway and Bikeway Master Plan. However if the greenway plan is ultimately amended to modify the alignment, the plan would no longer be in conflict with this policy.
 - **UPDATE 9/19/16:** With the removal of the proposed fill area from the application, this finding would no longer apply. However there still needs to be accommodation for the existing greenway alignment along the creek. The reservation easement shown on the current plan along the southern property boundary should be relocated through the creek.
- **Policy CD-5: Infrastructure:** This policy supports the continued requirement that adequate public infrastructure such as roads either exist or will be made available to support new development. The adequacy of Holbrook Road to accommodate the landfill's truck traffic has been a question for many years. Back in 2009, NCDOT stated that the pavement structure for Holbrook Road was not designed to handle the landfill's truck traffic and requested that the landfill participate in the maintenance of the road. With no definite timetable on obtaining frontage on a thoroughfare or commercial road, the rezoning and SUP extending the life of the landfill indefinitely, and the recycling facility adding more trucks onto Holbrook Road, NCDOT has similar concerns in regard to this current application. The latest email from the District Engineer Wendy Taylor requesting core samples of the road is included in your agenda packet.
 - **UPDATE 9/19/16:** No additional information has been submitted by the applicants to address the NCDOT concerns.
 - **UPDATE 10/17/16:** As discussed above in Part 2, note #13 has been added to the plan that commits Greenway Waste Solutions to doing the following:
 - Conduct the boring tests to determine the current pavement structure of Holbrook Road.
 - Overlay Holbrook Road in front of the facility as requested by NCDOT for a length of 300 feet.
 - Carry over the previously offered \$25,000 contribution for improvements to Holbrook Road.
 - Reassess the condition of Holbrook Road with Town Staff and NCDOT in 2025, about the half way point between now and 2034 when they've agreed to stop using Holbrook Road.
 - The applicant would then contribute additional funds at that time if the Town and NCDOT deem it necessary.
 - Planning staff is supportive of these proposed conditions in principle. However it is recommended that the \$25,000 be donated immediately as it was originally committed to maintenance of Holbrook in 2009; and NCDOT spent a considerable amount on maintenance on Holbrook Road in 2013. This contribution thus should have been forwarded at that time. Staff would also recommend that the note concerning the contribution in 2025 be specified to understand what maximum amount would be contributed.
 - Transportation staff further recommends that rather than delaying the contribution until 2025, the applicant set up an escrow account and contribute a specified amount immediately. Then if it's needed between now and 2025 NCDOT can use the funds. If it's not needed in 2025, it can be returned to the applicant. The language should also be changed to clarify that NCDOT should receive all funds as they maintain Holbrook Road.

Article 11 Section 11.4.7(e) of the Zoning Ordinance states that: "in considering any petition to reclassify property the Planning Board in its recommendation and the Town Board in its decision should consider:

1. **Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.**

STAFF COMMENT:

The proposed Special Purpose (SP) zoning would be located immediately adjacent to the Commerce Station Business Park (zoned CB) to the south, and would be compatible with the future uses of that park (office, industrial, warehousing, etc). The majority of areas along Holbrook Road to the north and west of the landfill however are either park land or single family residential uses. Unfortunately, there is no current access to the south through the business park, only through Holbrook Road and the residential neighborhoods. Thus, the continuing commercial traffic and access is not compatible with the residential development to the west of the landfill. It is recommended that the applicant work diligently with the Town and County to extend Verhoeff extension and connect to it as soon as feasibly possible. This would open up the business park for further economic development and relieve the Holbrook Road neighborhood of the commercial traffic created by the landfill. Please see the future, alternative access shown below on the area context map.



It is not recommended that the application be approved with the right to use Holbrook Road as an access indefinitely. Each of the landfill permits/text amendments approved by the Town through the years has gradually and continually increased its lifespan with no requirement for alternate access. In 2009 their Special Use Permit application was approved by the Town Board with no expiration date, but with an estimated lifespan of 25 years for the facility. That approval thus allowed continued Holbrook Road access through the year 2034. Staff recommends that the lifespan of the facility not be extended past that date without alternate access being achieved on a thoroughfare.

- UPDATE 9/19/16: A letter submitted by the applicant includes a statement concerning the connection to a thoroughfare by 2034. It is believed that the applicant is intending to commit to moving their access from Holbrook Road to a commercial thoroughfare no later

than 2034 as suggested by staff above. Staff recommends a note be added to the actual rezoning plan clarifying that intent.

2. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, transit service, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal.

STAFF COMMENT:

- Engineering and Public Works has determined that based on the expansion proposed, the new amount of traffic that will be generated will not meet the threshold that would require the submission of Traffic Impact Analysis (TIA). Please find the TIA determination from engineering in your agenda packet.
- Planning staff issued a Determination of Adequacy (DOA) for fire vehicles and station space, police vehicles and station space, and parks and recreation gyms and parks on April 11, 2016. The determination of adequacy letter is attached in your agenda packet for reference.
- As mentioned previously, NCDOT has concerns that Holbrooks Road does not have the pavement structure to accommodate continued and indefinite heavy truck traffic. Please find the emails from NCDOT attached in your agenda package.

3. Whether the proposed reclassification will adversely affect a known archeological, environmental, historical or cultural resource.”

STAFF COMMENT:

Through the variance review, the applicants are applying to mitigate the disturbance of the water quality S.W.I.M. buffer per Article 8.25.11. Since the stream is being piped and encased in concrete, staff is not aware of any adverse effect to the stream.

- UPDATE 8/12/16: Staff contacted Mecklenburg County Solid Waste Management just prior to the public hearing in order to ascertain if there were any environmental issues or violations with the subject landfill. The County stated that there have been reports of off-site contamination at the landfill but we would need to contact the North Carolina Department of Environmental Quality (NCDENR is now known as NCDEQ) for further information and details. In subsequent conversations with NCDEQ after the public hearing staff was informed of the following:
 - The Greenway Solutions Landfill on Holbrook Road has been found to exceed state regulatory limits of various groundwater and surface water contaminants and methane gas since 2013. Further, a Notice of Violation was issued on September 16, 2014 to the landfill due to an encroachment upon their required state mandated buffer to the east of the property. As of now, the landfill remains in violation of the required buffer.
 - It appears the constituents leaching from the landfill have contaminated multiple drinking water wells adjacent to the subject property. Two parcels were purchased (including one residence) by the landfill and two homes were added on to municipal water service due to the groundwater contamination. According to NCDEQ, the applicant has been cooperative with the state in installing both shallow and deep groundwater monitoring wells and methane gas monitoring wells, in an effort to analyze and find the nature and extent of both the groundwater contamination and the methane gas exceedances. The applicant has also been cooperative in addressing the immediate issue of the contamination of the adjacent drinking water wells as discussed above. The monitoring and analyzing of both the groundwater and methane gas contamination is ongoing. At this time, there are still many unknowns in regard to the nature and extent of the existing groundwater and surface water contamination and potential methane gas migration. Once the nature and extent is more fully understood, NCDEQ will require mitigation plans for the applicant to begin contamination cleanup of both the active fill area, and the fill area that is closed out and inactive (which is under a different set of state rules).

Contamination has also been found in the groundwater monitoring wells near the stream, and recently in the surface water sampling of the stream that is being proposed to be piped and covered with the expansion. Please find the groundwater monitoring well locations of the site in a map forwarded by NCDEQ in your agenda package.

- UPDATE 9/19/16: The proposed recycling facility is located near Holbrook Road, separated from the area that is contaminated and a significant distance from where active monitoring wells are located. Please see the NCDEQ Monitoring well map attached in the agenda packet. There are no new fill areas proposed with the updated application. Therefore since disturbance of the contaminated area is no longer proposed, and the new recycling facility is located a significant distance from the contamination, staff finds the contamination issue of the existing facility and the addition of the recycling facility separate issues that do not conflict. However for record in regard to public safety and health concerns, it is recommended that the applicant add a note on the plan stating the planned schedule of NCDEQ remediation of the existing site and commit to the cleanup in a timely manner.
- UPDATE 10/17/16: No new note has been added to the rezoning plan in regard to the contamination. However the letter submitted by the applicant commits that “Once assessment activities have determined the nature and extent of the contaminants, a remediation plan approved and monitored by DEQ will be implemented”. Staff recommends this statement be added to the rezoning plan as a condition.

PART 5: PUBLIC HEARING

The Public Hearing was held on August 1, 2016. Multiple individuals from the public voiced their concerns about the landfill’s continued use of Holbrook Road and the potential negative affects the landfill expansion would have on the environment. A representative of the Holbrook Association voiced his support of the application. Please find the drafted minutes included in your agenda packet.

PART 6: STAFF RECOMMENDATION.

UPDATE 10/28/16: Staff recommends approval of the rezoning plan with the following conditions:

1. The rezoning plan is amended to show a 100 foot easement to accommodate the future greenway along the stream.
2. The secondary greenway locations are labeled as “alternate greenway locations if adopted by the Town of Huntersville”.
3. Note #11 is amended to clarify that Holbrook Road will be abandoned as a primary access by 2034.
4. Note #13 is amended to clarify the previously approved \$25,000 is contributed immediately and the additional \$25,000 is forwarded no later than 2025 as offered by the applicant at the 10/25/16 Planning Board meeting.
 - a. In addition, transportation staff recommends the future contribution be currently escrowed so that NCDOT may use the funds as needed between now and 2025.
5. Provide a note on the plan addressing the proposed cleanup of the contamination of the existing fill areas.

PART 7: PLANNING BOARD RECOMMENDATION

UPDATE: 9/19/16: On August 23, 2016 the Planning Board unanimously continued the application until their September 27, 2016 meeting. During the discussion the question was raised whether or not the rezoning and special use permit applications could move forward if the variances under consideration were denied. Staff at the time mentioned that due to the substantial change in the application that removing the stream fill would cause, the application would likely

need to be re-advertised and start over in the process. However after staff discussion of the application, it is staff's opinion that removing the proposed infill area is a reduction in intensity of the application and that it can continue in the review process as currently submitted.

UPDATE 10/17/16: The Planning Board met and reviewed the application on September 27, 2016. During the discussion, many of the outstanding items noted by staff were discussed. Concerning several of the items, the applicants committed to address them by adding the requested notes. In addition to the issues in the staff report, it was requested that the new properties obtained by Greenway Waste to the east of the landfill not be used for landfill purposes due to their proximity to residential properties. The applicant agreed to add a note clarifying that intent. Toward the end of the discussion, the Board communicated their lack of comfort in making a recommendation on the plan before them with so many outstanding items. The Board asked if the applicant would consider addressing the items and coming back before the Board. The applicant agreed to do so and after some further discussion, the Planning Board unanimously continued the application until their October 25, 2016 meeting.

UPDATE 10/28/16: The Planning Board met and reviewed the application again at their October 25, 2016 meeting. After discussion, the Planning Board unanimously recommended approval of the plan with the following conditions:

1. The rezoning plan is amended to show a 100 foot easement to accommodate the future greenway along the stream.
2. Note #11 on the plan is amended to clarify that Holbrook Road will be abandoned as a primary access by 2034.
3. A note is added to the plan addressing the proposed cleanup of the contamination of the existing fill areas.
4. Clarification of all references on the plan to Holbrooks Road, Not Holbrook Road.
5. Note #6 is clarified to state that any adjacent development or construction of a greenway will trigger the construction of a fence for the active area of the site within 90 days.
6. The proposed evergreen trees proposed as a buffer are installed in a way that creates an opaque screen.
7. That the alternate locations of the greenway shown on the plan, if approved by the Town, will be supported and land will be provided by the applicant for them.

PART 8: CONSISTENCY STATEMENT - R 16-06: Greenway Waste Solutions Landfill

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering rezoning Petition R16-06, Greenway Waste Landfill, located on Holbrook Road, Planning Staff finds that the application is consistent with policies CD-2 and ED-12 of the Huntersville 2030 Community Plan. It is reasonable and in the public interest to rezone this property because the applicant has committed to clean up the adjacent contamination, contribute to the maintenance of Holbrook Road, and relocate their entrance to a commercial thoroughfare by 2034.</p>	<p>APPROVAL: In considering the proposed rezoning of Petition R16-06, Greenway Waste Landfill, located on Holbrook Road, the Planning Board finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. The Planning Board recommends approving the conditional rezoning plan for the Greenway Waste Landfill as shown in Rezoning Petition R16-06. It is reasonable and in the public interest to rezone this property because...<i>(explain)</i></p>	<p>APPROVAL: In considering the proposed rezoning of Petition R16-06, Greenway Waste Landfill on Holbrook Road the Town Board finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. We recommend approving the conditional rezoning plan for the Greenway Waste Landfill as shown in Rezoning Petition R16-06. It is reasonable and in the public interest to rezone this property because... <i>(Explain)</i></p>
<p>DENIAL: N/A</p>	<p>DENIAL: In considering the proposed rezoning of Petition R16-06, Greenway Waste Landfill on Holbrook Road, the Planning Board finds that the rezoning is not consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. We recommend denial of Rezoning Petition R16-06. It is not reasonable and not in the public interest to rezone this property because..... <i>(Explain)</i></p>	<p>DENIAL: In considering the proposed rezoning of Petition R16-06, Greenway Waste Landfill on Holbrook Road, the Town Board finds that the rezoning is not consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. We recommend denial of Rezoning Petition R16-06. It is not reasonable and not in the public interest to rezone this property because..... <i>(Explain)</i></p>