



**MINUTES OF THE BURLINGTON PLANNING
AND ZONING COMMISSION MEETING**

March 26, 2018

Council Chamber, Burlington Municipal Building

CITY MEMBERS:

Richard Parker, Present
John Black, Present
Early Kenan, Jr., Absent
Ryan Kirk, Absent
James Kirkpatrick, Present
Nicole Enoch (Alternate), Absent
Matthew Dobson (Alternate), Present

EXTRATERRITORIAL MEMBERS:

Earl Jagers, Present
Bill Abplanalp, Present

STAFF PRESENT:

Amy Nelson, Planning Director
Joey Lea, Zoning Administrator
Kelly Peele, Commission Secretary

ITEM NO. 1: Chairman Mr. Richard Parker called the meeting to order at 7:00 p.m.

ITEM NO. 2: Minutes of the meeting held February 26, 2018 were unanimously approved.

ITEM NO. 3 Mr. Carl Buckland to present an application to rezone from I-1A Planned Industrial Residential District to CI Conditional Industrial District for the use of an Inert Debris Recycling/Landfill and all uses allowed in the I-1A Planned Industrial Residential District. The properties are located on the south side of West Old Glencoe Road referenced as Alamance County tax map 12-50 lots 43 and 56.

Mr. Carl Buckland stated, I would like to give you a little bit of history on what we have been doing. Back in 2000 we had a storm of straight line winds that came through and it caused a lot of damage. The City of Burlington contracted with a company out of Florida to do the storm clean up and then the company out of Florida contracted with me to dispose of the debris that was pickup across the city. I got a permit from DENR, the Department of Environment and Natural Resources, which regulates everything I do out there. I got the permit and we finished the cleanup in 2000. We closed up in 2000 until 2003 when we had an ice-storm we opened back up when FEMA came in ad paid for the damage cleanup and after the cleanup we closed up again. In 2014 we had another ice-storm and we opened back up when FEMA came in and we took the storm debris from the State, the City, and Elon. At that time the market had gotten better for the mulch to be used as a boiler-fuel. We stated in 2014 grinding it up and selling it for boiler-fuel and I contracted with the City of Burlington to take it on a regular basis. The City of Burlington and Elon are my main customers. Since 2014 we have been grinding it up and selling it out for boiler-fuel. The 2 acres I had permitted for an LCID, Land Clearing and Inert Debris, we could bury that. With DENR we had approval to do 2 acres and when I wanted to expand, the recommendation from the representative from DENR said to expand over 2 acres there is a lot of engineering and approval process; he said you've got 29 acres there and if you split it in half you could get another 2 acres on the other parcel, that is what I've proceeded to do and I came to the

Planning Department to get the plat subdivided and also DENR is now requiring a letter from the City saying we are in compliance with any zoning regulations. This is what I needed from the City and I talked with Joey and he said what you have been doing for the past 18 years is not allowed in I-1A. What we are trying to do is get it to meet DENR regulations, I need to get DENR a letter from the Planning Department saying that we are in compliance with the zoning and we need to get your approval to continue with what we have been doing. I'm proud of what we are doing; we are taking waste product and turning it into a profit as well as doing an environmentally good thing. I brought along some pictures and if you look you can see a large tub grinder there and we are grinding the material and putting it in the semi-trailer to be sold. One of the big customers we sell to is Hurt up in Hurt Virginia to Dominion Power, which is about 60 miles that we are having to truck up there. They are using it as a substitute or mixing it with coal. As you can see on the pictures we keep a neat and clean place.

Commission Member Mr. Bill Abplanalp asked, do you compress the mulch to be burned?

Mr. Carl Buckland stated, no it is just ground up.

Commission Member Mr. Bill Abplanalp asked, are you going to ask DENR to permit the whole area?

Mr. Carl Buckland stated, no, just 2 acres. I own a total of 29 acres and at the end only 4 acres will be used for LCID, everything else will be ground and taken away.

Commission Member Mr. Bill Abplanalp asked, you don't have any plans for taking in cement?

Mr. Carl Buckland stated, we take cement, under DENR it is beneficial fill. You can put concert just about anywhere you want. I can be fined up to \$15,000 a day if I violate their rules.

Chairman Mr. Richard Parker asked, Joey, how was this allowed to go on for so long if the zoning didn't allow it?

Zoning Administrator Mr. Joey Lea stated, this came about and continued because of storm-debris and there had to be somewhere to put it. I'm not sure if anyone looked at the zoning and to be until this came up; I didn't even know it was back there because you can't see it from the road. I wasn't a part of this when it started but it was an emergency situation. It has continued on since then and the only reason we are here is because Mr. Buckland came in wanting to expand what he is doing.

Chairman Mr. Richard Parker stated, I wonder where all the debris went after the storm when collected by the City, thank you Carl for helping us out.

Vice-Chairman Mr. John Black stated, who regulates all this to make sure the environment is protected?

Mr. Carl Buckland stated, it's the North Carolina Department of Environmental Natural Resources, DENR.

Vice-Chairman Mr. John Black asked, is anything of the debris covered?

Mr. Carl Buckland stated, yes we do put it in layers. Part of this property is in a valley and I have put in \$42,000 worth of storm-drainage to divert any water away from this.

Vice-Chairman Mr. John Black asked, methane gas doesn't seem to be a concern for long term, leaves and mulch and things like that.

Mr. Carl Buckland stated, with DENR I have 3 different permits. One permit is the LCID that I can bury; one permit is for composting on another 2 acre site, then I have another permit for a 5 acre site that is designated for temporary disaster debris staging site. Should we have a natural disaster at this 5 acre site I can put any kind of disaster debris but then I have to remove it within 6 months. Let's say a tornado comes through and takes down a house. I can't bury the house but I can stage it at this 5 acre site then process it and remove it within 6 months or I'm fined by DENR. Fortunately we have never had to do that. This temporary site is used to just stock pile the storm debris.

Vice-Chairman Mr. John Black asked, long term there is no concern about methane?

Mr. Carl Buckland stated, no concern.

Vice-Chairman Mr. John Black asked, is there a buffer between the site and the surrounding properties.

Mr. Carl Buckland stated, can't do anything within 100 ft. of the property line and there are some trees along the back of the property where Keystone is developing.

Vice-Chairman Mr. John Black asked, have they addressed leaching over a long period of time into that wetland area?

Mr. Carl Buckland stated, no. We have put the storm-drains in and that carries the water from the plastic company across my property so any water that is coming down by the porousness of the material is going to soak in kind of like a sponge. I don't foresee there being a problem.

Vice-Chairman Mr. John Black asked, the portion in the back, is there going to be any machine operations back in the new area or is it all going to be done where it is at now?

Mr. Carl Buckland stated, it will remain where it is at.

Commission Member Mr. James Kirkpatrick stated, with my experience with DENR they are not going to let him get anywhere near any kind of water way, blue line stream.

Vice-Chairman Mr. John Black stated, you have blue line stream there and you have the Haw River feeding Jordan Lake on the other side and what I'm looking for is long term real estate effects and I just want to make sure that is being taken care of and looked into.

Commission Member Mr. James Kirkpatrick stated, I agree. DENR is tough. My question to you Mr. Buckland is have you received any NOV's, Notice of Violation, on this property?

Mr. Carl Buckland stated, in 18 years I have had 2 violations which we corrected. I get inspect at least 5 or 6 times a year. Even if we aren't there they will come and mail a notice saying they came by and inspected.

Commission Member Mr. James Kirkpatrick asked, how much stock pile do you have there for material besides the 5 acres of emergency stock pile for storm debris?

Mr. Carl Buckland stated, 2 acres is designated for the composting area which that is where we do our grinding and composting, then I have 2 acres that is permitted to bury, and then I have 5 acres for temporary disaster debris staging. To my knowledge I'm probably the only one in this area besides the land-field on Sandy Cross Road that has a temporary disaster staging area.

Commission Member Mr. James Kirkpatrick asked, your permit with DENR is contingent on buffer zones and what-not?

Mr. Carl Buckland stated, yes and it is 100 ft. buffer. I can't do anything within 100 ft. of the property line. I can't place or bury anything or any kind of operation within 100 ft. of the property line.

Commission Member Mr. Matthew Dodson asked, there's one lot with all these crisscross lines is that based on the need to have a designated area for the operations you have with DENR? So the future development could have other operations points?

Mr. Carl Buckland stated, the future development of the 2 areas to the left is virgin ground and the topography would not lend itself to bury in anything, it would be more suitable for putting buildings or something there.

Commission Member Mr. Matthew Dodson asked, that's one lot but just broken down like this because of environmental issues but that's all going to be rezoned conditional industrial?

Zoning Administrator Mr. Joey Lea stated, right; what you are looking at is actually 2 parcels. This is just a description of how Mr. Buckland plans on developing. As he said the landfill part will be on the right side but any future development of the property would not be acceptable because of the landfill itself. In the future he could develop this portion for uses allowed in the I-1A. It is already zoned I-1A but part of his condition is the uses allowed on the property will be allowed in I-1A as it is right now. So he could possible develop this for warehouses or something that would call for a building development other than a landfill.

Chairman Mr. Richard Parker asked, so the whole track is not going to be CI?

Zoning Administrator Mr. Joey Lea stated, the whole track is going to be rezoned Conditional Industrial. He is listing his uses for conditional to be the uses allowed in I-1A.

Planning Director Mrs. Amy Nelson stated, it will give him more flexibility.

Vice-Chairman Mr. John Black asked, Joey, on both sides of this parcel is R-9, have you heard from either of the owners on this?

Zoning Administrator Mr. Joey Lea stated, I have had 3 phones from the neighbors on this and they have no concerns or problems on this. The sign was up for 2 weeks prior to this meeting.

Commission Member Mr. James Kirkpatrick stated, I move we recommend approval of this item as an amendment to the Comprehensive Plan. Although inconsistent with the Plan, this request represents a needed change in the area, thus making this request reasonable and in the public interest. Commission Member Mr. Earl Jagers seconded this motion. The Commission unanimously voted to approve the rezoning.

There being no further business to discuss, the meeting was adjourned at 7:26 p.m.

Richard Parker, Chairman

John Black, Vice Chairman

Kelly Peele, Secretary