

March 5, 1998

**THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA**

Thursday, March 5, 1998

7:00 P.M. Special Session

MINUTES

Place: Commissioners' Room, second floor, Durham County Government
Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman MaryAnn E. Black and Commissioners William V. Bell, Joe W.
Bowser (arrived late), Becky M. Heron, and Ellen W. Reckhow

Absent: None

Presider: Chairman Black

Opening of Special Session

Chairman Black called the Special Session to order with the Pledge of Allegiance.

Major Special Use Permit For BellSouth Mobility DCS--Kemp Road Site

BellSouth Mobility DCS requested the granting of a Major Special Use Permit to allow for construction and operation of a 250-foot lattice telecommunications structure and associated equipment compound. The site is located on the south side of NC 98 and east of Kemp Road (Tax Map 968-01-001). Planning staff would make a recommendation after the hearing of this case.

After the hearing, one of these two motions is in order:

Motion A: (Approval With or Without Conditions)--To direct the Planning Director to prepare a decision granting with conditions the use permit in Case M97-10. (The Commissioners should identify any conditions they wish to incorporate into their approval. Staff will prepare the decision for the Board's next meeting for action).

Motion B: (Disapproval)--To direct the Planning Director to prepare a decision denying the use permit in Case M97-10. (The Commissioners should identify the findings they are unable

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to make so these can be incorporated into the decision. Staff will prepare the decision for the Board's next meeting for action).

County Manager's Recommendation: Hold the public hearing and evaluate the evidence presented.

Chairman Black said "the hearing on this matter is judicial in nature and will be conducted in accordance with special due process safeguards. All persons who wish to testify in this case should have signed up on the special sheet for this hearing at the Clerk's station. If you wish to speak, please go now to the Clerk's station to be sworn in or to give your affirmation. If you have not signed up and wish to speak, please sign up now and participate in the swearing in. After the swearing in, you may return to your seat. Swearing in occurs en masse."

The Clerk to the Board administered the oath to everyone who wished to speak in the case.

Chairman Black asked Board members if they had conflicts regarding this item. No one had a conflict.

Chairman Black asked Board members "who have any information or special knowledge about the case that may not come out at the hearing tonight to please describe that information for the record so that interested parties will know and can respond."

Chairman Black revealed that in February 1998, Travis Porter, Esquire (representing BellSouth Mobility DCS), approached her to ask if this item could be heard soon. No material related to this issue was discussed. Mr. Porter later telephoned Chairman Black to find out when the item would be heard. Once again, no discussion ensued about material related to this item.

Vice-Chairman Reckhow revealed that approximately four or five months ago she received letters regarding this case. When she opened the envelopes and saw the contents of the letters, she placed the letters back in the envelopes without reading them and forwarded them to Planning staff. The envelopes did not indicate the subject matter.

Chairman Black said most of the Commissioners received those letters. She trashed the letters she received.

Commissioner Bell stated he forwarded the letters he received to staff.

Chairman Black said, "In this hearing, we will first hear from the Planning staff and other County witnesses, then from the applicant and their witnesses, and then from opponents to

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the request. Parties may cross examine witnesses after the witness testifies when questions are called for.”

Chairman Black stated that Commissioner questions should be directed to the person presenting the item, not to staff.

If presenters “want the Board to see written evidence, such as reports, maps, or exhibits, the witness who is familiar with the evidence should ask that it be introduced during or at the end of his or her testimony. We cannot accept reports from persons who are not here to testify. Attorneys who speak should not give factual testimony but may summarize their client’s case. Before you begin your testimony, please clearly identify yourself for the record; identify your position and address.”

Chairman Black opened the public hearing on Case M97-10. The public hearing was properly advertised.

Helen Youngblood, Senior Planner, City-County Planning Department, commented that Steve Medlin, Senior Planner, would present the case. She reiterated that this is a quasi-judicial hearing and a specific format must be followed.

Mr. Medlin presented the case.

Commissioner Bowser arrived and Chairman Black asked him if he had any prior evidence or a conflict of interest.

Chairman Black requested that Commissioner Bowser’s negative response be placed in the record.

Mr. Medlin presented the following information about the request:

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MAJOR SPECIAL USE PERMIT

1. Case Number: M97-10
2. Applicant: BellSouth DCS by M. Gray Styers Jr.
3. Owner: Mildred P. Page
4. Location: A 81.31-acre tract located on the east side of Kemp Road and south of NC 98. Tax Map 968-01-001.
5. Zone: RD (Rural District), R-20 (Single-Family Residential), and F/J-B (Falls/Jordan Watershed Protection District)
6. Type of request: A Major Special Use Permit for a tower for transmitting and receiving electronic signals.
7. Proposed Use: A 250-foot lattice telecommunications tower and two equipment buildings on a 60' by 60' lease parcel.
8. Present Use: Single-family residential.
9. Surrounding Zones: North R-20, RD, F/J-A, F/J-B
East R-20, RD, F/J-B
South RD, F/J-B
West R-20, RD, F/J-B
10. Surrounding Uses: North Single-Family Residence, Golf Course, Vacant
East Single-Family Residence, Vacant
South Single-Family Residence, Vacant
West Single-Family Residence, Vacant
11. Governing Ordinance Sections: 4A.1.3.20; 7.39; 13.2
12. Access: Access to the proposed tower site is from Kemp Road by an approximate 260-foot-long driveway.

Site Description: The subject site is an 81.31-acre tract consisting of two parcels that are to be recombined. The site is located on the south side of NC 98 and straddles Kemp Road. The proposed tower site is located on the east side of Kemp Road. The existing site is heavily wooded with a mixture of both hard and softwoods. The eastern property line is Goodson Branch, an intermittent stream. Pursuant to the Zoning Ordinance, a 50-foot undisturbed stream buffer applies along the stream. The site is also located within the F/J-B Watershed Protection district. The proposed impervious surface coverage of the site is 1.5 percent or 1.24 acres, which is well below the 12 percent permitted.

Mr. Medlin reviewed the necessary findings of fact. He also discussed Section 13.2.3 General Findings and Section 13.2.4 Considerations of the Major Special Use Permit.

Mr. Medlin requested the staff report (Exhibit 1) and all supporting exhibits and documentation be entered into the record.

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The staff report was received as evidence.

Chairman Black called on Mr. Porter. He introduced the following technology and real estate experts to answer questions:

- Joe Smathers, J. F. Smathers and Company—to provide real estate valuation testimony.
- M. Gray Styers—Zoning Representative, BellSouth
- John Davis, Radio Frequency Engineer, BellSouth
- Jerry Jones, Construction and Real Estate Manager, BellSouth

Mr. Porter said if approval is granted, the area from Wake Forest along Highway 98 to Durham will be connected for good service.

Mr. Styers showed the Commissioners a coverage map (Exhibit P-1) for Site 368-188-F. Mr. Porter spoke briefly about the site location and the benefits the tower will offer the communications industry. The tower can serve six carriers, but the application is only for two carriers with full equipment.

Mr. Styers presented additional specific site information to assist the Commissioners in their deliberation. He reviewed the presentation book (Exhibit P-2) and requested that the map and notebook of information be introduced into the record.

The Commissioners asked several questions about the proposed project to which BellSouth representatives responded.

Chairman Black asked if staff had a recommendation for the Commissioners.

Mr. Medlin responded that staff recommends approval of this request subject to the following eight conditions:

1. That the applicant develop the approved use in conformity with a site plan, and any amendments to such plan must be submitted to and approved by the County within 12 months of the date of this decision, and that such site plan and amendments, if any, become a part of this use permit.
2. A recombination plat be filed prior to the issuance of any permits.
3. That the Special Use Permit for the tower shall expire unless documentation, including but not limited to an FCC license, is submitted each January to the Development Review Board (DRB) demonstrating that the tower is being utilized.
4. Should the tower not be used or maintained for a period of six months or more it shall be removed by the owner within 90 days.

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5. Proper legal provisions be made for the protection and maintenance of the 100-foot forested area for the life of the tower.
6. Prior to issuance of a building permit, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.
7. Prior to the issuance of any permits or the beginning of any site work, appropriate tree protection measures must be installed and inspected by the Durham City-County Planning Department.
8. No structures will be permitted within the fall zone of the tower.

Mr. Medlin said staff would like to revise condition No. 8 to read “occupied residential dwellings” and recommend 75 percent of the towers height as the reasonable fall zone (188 feet).

Attorney Travis Porter stated he had no more questions for staff. “We feel this is very reasonable compromise approach relative to the fall zone.”

Vice-Chairman Reckhow said “fall zone” should not be referenced in condition No. 8. She suggested that the wording “75 percent of the tower’s height” be used.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve the Major Special Use Permit for BellSouth Mobility DCS--Kemp Road Site with the eight conditions stated by staff including the amendment to condition No. 8.

The motion carried unanimously.

Mr. Medlin said staff will bring the final order to the Commissioners at their March 23, 1998 Regular Session.

Chairman Black continued the public hearing until March 23, 1998.

(Tax Map number: 968-01-001; recorded in Ordinance Book _____, page _____.)

Major Special Use Permit For Waste Industries

Waste Industries requested the granting of a Major Special Use Permit to allow for construction and operation of a 7,705-square-foot solid waste transfer station, a 9,350-square-foot recycling center, and a 275-square-foot office. The site is located on Stone Road, west of Angier Avenue, east of the East-West Freeway (NC 147), and inside the Urban

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Growth Area (UGA). Tax Map 641-2-51. Planning staff would make a recommendation after the hearing of this case.

After the hearing, one of these two motions is in order:

Motion A: (Approval With or Without Conditions)--To direct the Planning Director to prepare a decision granting with conditions the use permit in Case M97-5. (The Commissioners should identify any conditions they wish to incorporate into their approval. Staff will prepare the decision for the Board's next meeting for action).

Motion B: (Disapproval)--To direct the Planning Director to prepare a decision denying the use permit in Case M97-5. (The Commissioners should identify the findings they are unable to make so these can be incorporated into the decision. Staff will prepare the decision for the Board's next meeting for action).

County Manager's Recommendation: Hold the public hearing and evaluate the evidence presented.

Chairman Black said "the hearing on this matter is judicial in nature and will be conducted in accordance with special due process safeguards. All persons who wish to testify in this case should have signed up on the special sheet for this hearing at the Clerk's station. If you wish to speak, please go now to the Clerk's station to be sworn in or to give your affirmation. If you have not signed up and wish to speak, please sign up now and participate in the swearing in. After the swearing in, you may return to your seat."

The swearing in occurred en masse for all staff members, citizens, and presenters.

Chairman Black asked the Commissioners if they had any conflicts on this item.

The Commissioners' response was negative.

Chairman Black stated that each Commissioner had received letters about this case. The letters will be introduced as a part of the file.

Chairman Black said, "In this hearing, we will first hear from the Planning staff and other County witnesses, then from the applicant and their witnesses, and then from opponents to the request. Parties may cross examine witnesses after the witness testifies when questions are called for. If you want the Board to see written evidence, such as reports, maps, or exhibits, the witness who is familiar with the evidence should ask that it be introduced during or at the end of his or her testimony. We cannot accept reports from persons who are not here to testify. Attorneys who speak should not give factual

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testimony but may summarize their client's case. Before you begin your testimony, please clearly identify yourself for the record; identify your position and address."

Chairman Black opened the hearing on Case M97-5 and asked for testimony from County staff. (The public hearing had been properly advertised.)

Helen Youngblood, Senior Planner, City-County Planning Department, requested that the Commissioners carefully examine all findings that come forward from this hearing.

Clay Shepherd presented the case by reviewing the following staff report:

MAJOR SPECIAL USE PERMIT

1. Case Number: M97-5
2. Applicant: Waste Industries Inc.
3. Owner: Waste Industries Inc.
4. Location: A 11.20-acre portion of a 37-acre site on Stone Road, west of Angier Avenue and east of the East-West Freeway (NC 147), Urban Growth Area. Tax Map 641-2-51.
5. Zone: I-3
6. Type of Request: A Major Special Use Permit for a Recycling Center and Transfer Station.
7. Proposed Use: A 7,705-square-foot solid waste transfer station, a 9,350-square-foot recycling center, and a 275-square-foot office.
8. Present Use: The site was previously used as a brick mine operation. The site is currently vacant, although there is construction activity taking place adjacent to the site for Phase I, an office and vehicle maintenance facility for Waste Industries that was permitted as a use-by-right through a minor site plan approved by the Development Review Board on June 27, 1997.
9. Surrounding Zones: North RD
East I-3
South I-3
West RD & I-2
10. Surrounding Uses: North Undeveloped Land and Single-Family Residential
East Undeveloped Land and Rail Road
South Undeveloped Land, Single-Family Residential and Junkyard
West Undeveloped Land
11. Governing Ordinance Sections: Pages:
4E.4. 4E.5-3

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8.1.15	8-6
8.1.20	8-7
8.1.22	8-8
9	9-1 thru 9-11
10	10-1 thru 10-15
13.2	13-4 thru 13-6

12. Access: Access to the property as shown on the site plan is proposed off of Stone Creek Park Court.

Staff Discussion

Before granting a Major Special Use Permit, the governing body shall find that applicable provisions of "Performance Standards" Sections 8.1.15, 8.1.20, and 8.1.22 have been complied with, and that satisfactory provision has been made for the Major Special Use Permit General Findings of Section 13.2.3, and that the use as proposed or as proposed with conditions is in conformance with the Considerations of Section 13.2.4.

Section 8.1.20 Waste Products and 8.1.22 Noise

When allowed, recycling centers and transfer stations shall be subject to the following additional requirements.

1. Any activity which discharges material or liquids into sanitary sewers or storm sewers shall conform with all federal, state, and local discharge and release regulations. City and county sanitation ordinances may also apply. All storage areas, waste disposal areas, and trash handling facilities shall be designed to prohibit wind-blown debris from leaving the site. The drainage (other than through appropriate sewers) of waste or stored materials onto adjacent properties or directly into creeks and watercourses is prohibited.

The site plan shows connected buildings with internal storage and handling of waste material through sanitary sewers. There are land berms located along the north and south property lines and other natural vegetated and landscaped buffer areas to limit wind-blown debris.

2. Noise shall not exceed levels allowed by Chapter 11 (Health and Sanitation) of the Durham City Code.

The site plan shows an internal building site, berms, and landscape buffering adjacent to the residentially-zoned property, all of which would serve to lessen off-site noise. The site plan indicates where the vehicle traffic will occur internal to the site. The application indicates that the nearest residence is approximately 1,400 feet from the proposed site.

3. A landscape screen shall be provided in conformance with Section 10.

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The site plan shows: 1) a 40-foot-wide landscaped buffer on the northern property line, which uses existing trees supplemented by additional landscape plantings; and 2) berming along the northern property line adjacent to the undeveloped residentially-zoned tract to the north.

Section 13.2.3 General Findings

Applications for Major Special Use Permits shall be approved only if the Governing Body finds that the use as proposed, or the use as proposed with conditions, is:

1. In harmony with the area and not substantially injurious to the value of properties in the general vicinity;
2. In conformance with all special requirements applicable to the use and in conformance with the Supplementary Requirements Section of this ordinance; and
3. Will not adversely affect the health or safety of the public.

If the Governing Body fails to find conformance with the conditions listed above, then the proposed permit shall be denied.

Section 13.2.4 Considerations

In addition to the conditions above, before any use permit shall be granted, the Governing Body shall find that satisfactory consideration has been given to the following, if applicable:

1. Circulation: Number and location of access points to the property and the proposed structures, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Access to the site is proposed off of a private drive that will connect to Stone Road Court, which is under construction as part of the approved Waste Industries--Durham District Campus Phase I site plan. Stone Park Court connects with Stone Road near the intersection with Wrenn Road and the Southern Railroad lines. In conjunction with this project is a proposed left turn lane on Angier Avenue at its intersection with Wrenn Road. This includes a 2-foot-wide area on Angier Avenue to better accommodate bicycle use in this area. All access to Phase II including access to truck scales to record inventory and volume is controlled through a gated entrance.

As part of an overall campus (Phase II) traffic plan, the truck traffic is separated from the general employee and public traffic with regard to access and parking. To ensure safety, the entire campus area will be fenced to prohibit unauthorized access. Emergency access is accommodated through either the main entrance or a secondary

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entrance through the truck parking and storage yard. Stone Road and Stone Park Court will be realigned where they intersect Wrenn Road.

2. Parking and Loading: Location of off-street parking and loading areas.

The proposed site plan provides employee off-street parking adjacent to the facility. Due to the proposed structures and various material processing systems, there will be more than one loading area. There is a proposed loading area on the west side of the recycling building. Other loading areas will be located inside of the transfer station. All loading areas will be screened by berms and landscaping.

3. Effect on Adjacent Properties: Levels of noise, glare or odor; and the effects on adjacent property.

As part of this site plan, a very specific lighting plan was required and has been submitted by the applicant verifying that compliance with the ordinance will occur. This includes no casting of light outside of the property lines.

With regard to limiting noise, glare and odor, this facility has a bermed area on the north side (that is within the 40-foot required buffer adjacent to the residentially-zoned property to the north) and to the south is a 50-foot Public Gas Company easement that provides a buffer separation from properties along Stone Road. An additional landscaped setback of 40-80' outside of the required buffer is also proposed. The structure will provide internal operational areas that are partially enclosed by building walls.

With regard to managing odors, Waste Industries must submit an Operational Plan as part of the NC Division of Solid Waste Management Permitting Process. The Operational Plan will address the daily processing of materials and the "wash down" requirements. Materials entering the facility will be processed that day or packaged for transport the next working day. Also, the processing surfaces will be washed daily to eliminate the source of possible odor.

4. Service Entrances and Areas: Locations of refuse and service areas with particular reference to ingress and egress of service vehicles.

Vehicles coming to this site will turn off of Angier Avenue onto Wrenn Road, cross over the Southern Railroad tracks, turn left onto Stone Park Court (which is now under construction). All vehicles would then enter the site from Stone Park Court onto a private drive which will allow vehicles to go to the loading/service areas.

5. Utilities: Location and availability of utilities.

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The site will be serviced by City water and sewer.

6. Screening and Landscaping: Installation of screening and fencing where necessary to protect adjacent property.

A 40-foot buffer is required to the north adjacent to the residentially-zoned property. The site plan proposes an overall buffer area of between 80 and 120 feet that is a combination berm, new plant materials and the use of existing vegetation to meet this requirement. In addition, the entire site will be fenced.

7. Signs and Lighting: Locations of exterior lighting and signs with reference to glare, traffic safety, economic effect, and compatibility with other property in the area.

A sign permit will be issued in accordance with Section 12 of the Zoning Ordinance as a separate permit through Inspections Department and is not part of this site plan. Exterior lighting requirements have been addressed with the lighting plan presented as part of the site plan and this permit. Excessive glare and casting of light outside of the property boundary is prohibited by ordinance. The plan proposes all lighting to be internal to the site.

8. Open Space: Location of required yards and other spaces and preservation of existing trees and other natural features.

The application indicates that within the 40-foot required buffer, existing trees will be protected and additional planting provided to increase the screening and landscape requirements. There is a 25' stream buffer which is within the 40' required landscape buffer. This will remain undisturbed. The 50-foot-wide gas easement located along the south property line is not only a site constraint, but also acts as a buffer and open space area.

9. Compatibility: The level of general compatibility with adjacent properties and the appropriateness of the use in relationship to other properties.

The surrounding zoning is mixed, with industrial zoning to the south and east, with residentially-zoned property to the north and west. The properties immediately adjacent to this tract are undeveloped or scattered residential.

10. Any Other Review Factors: Any other review factors which the Governing Body considers to be appropriate.

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Traffic Impact Issues- The applicant prepared and submitted to NCDOT a Traffic Impact Analysis for the project. A copy was also distributed to DDOT. A TIA is not required by ordinance for this project, based on the trip generation figures for this particular use.

Additional Permits Required by the State--As mentioned in the above staff report, all permitting for this type of facility takes place through the State's Division of Solid Waste Management permitting office.

Conformity With Adopted Plans--The Durham 2020 Comprehensive Plan, adopted in December 1995, shows this site as located in a Regional Corridor Study Area. Pages 41-44 of the Plan describe the general character of planned development within these Regional Corridor areas and the process to detail the future land uses and transit plans in these areas. Pages 50-52 also describe some of the characteristics of Compact Neighborhoods that would be planned around regional transit stations. The establishment of a regional transit station and a compact neighborhood/mixed use development in the area around Glover Road and the Southern Railroad tracks has been proposed and staff feels that it is a feasible future development option for this area. The Waste Industries site is between 1/4 and 1/2 mile from this possible station location and could fall within the support area of a possible compact neighborhood that might be developed here. At the same time, the development would be well buffered from surrounding uses and not likely seriously conflict with possible future mixed-use development along Glover Road north of this site.

The Development Review Board, at its January 30, 1998 meeting, approved the site plan subject to verifications and corrections, which have since been made, and subject to the major special use permit approval.

The Board of County Commissioners may place conditions on the use as part of the approval to assure that adequate mitigation measures are associated with the use. The conditions shall become a part of the special use permit approval. Violations of any of the conditions shall be treated in the same manner as other violations of the Zoning Ordinance.

Mr. Shepherd requested that the staff report and all supporting information be entered into the record.

Chairman Black stated that the staff report and supporting information would be marked Exhibit 1.

Chairman Black asked Attorney William J. Brian Jr., Waste Industries, 2505 Meridian Parkway, Suite 300, Durham 27713, if he had questions for the Planning staff.

Mr. Brian responded in the negative. He noted that his exhibits were prenumbered.

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The Commissioners had no questions of staff.

Mr. Brian made his presentation relative to the Phase II request. He then called on Lonnie Poole, CEO, Waste Industries, 401 Ramblewood, Raleigh 27609, to introduce the project.

Richard Lauck, Eastern Regional Manager, Waste Industries, 106 Grey Moss Lane, Cary 27511, described the characteristics of the uses for Phase II (integrated recycling and transfer station). He also discussed the specific nature of the project relative to Phase I.

Frank Braxton, Landscape Architect, 915 Jones Franklin Road, Raleigh 27606, showed a video of the site. He presented a brief history of the project. Mr. Braxton reviewed site plan improvements and the master plan.

Susanne Schneider, Real Estate Appraiser, 508 Constitution Drive, Durham 27705, discussed the impact analysis that she had prepared. She testified to harmony and value issues pursuant to Section 13.2.3.

Terry Snow, Traffic Engineer, 5100 Troon Lane, Durham 27712, stated he was retained as the traffic consultant. He had prepared an objective traffic analysis required by law and discussed the findings, results, and conclusions of the analysis.

Attorney Brian asked County Attorney Chuck Kitchen to make a ruling with regards to cross examination from opponents. He said this was discussed earlier. He felt an effort should be made to establish that opponents have standing before they are allowed to cross examine. It is one thing to testify as a witness; its another thing to actively proceed as a party. Case law is fairly clear on that point. "Obviously, we will abide by your wishes. Just for the record, I am objecting to that."

County Attorney Kitchen said the issue was an objection to cross examination before being established as a proper party. Attorney Kitchen asked whether the opponents who wish to cross examine live in the area to be directly affected by this development.

County Manager David F. Thompson said after the proponents have made their statements, people who have standing or can show they have a direct impact on these proceedings, or are being impacted, may ask questions. After this section of the hearing is concluded, anyone with standing may make a comment.

Chairman Black said two out of the three have standing and would like to ask questions.

Attorney Brian said, "We can proceed; my objection stands for the record."

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Mr. Shepherd and Ms. Youngblood asked the proponents questions about trees and openings on the buildings.

Mr. Braxton responded.

Paul Norby, Director of the City-County Planning Department, asked if the applicant, by submitting this rendering of the buildings (Exhibit 17), intended this to be attached to the plan.

Attorney Brian said we will attach Exhibit 17 to the plan if you want us to do so.

John DeLargy, 3715 Esther Drive, Durham 27703, asked Mr. Snow if any study included the freight trains that get built in the Angier Yard and the 30-to 40-minute wait that occurs at Wrenn Road and Glover Road. What is the impact of a 40-minute wait at Wrenn Road?

Attorney Brian objected to the characterization of Mr. DeLargy's statement. Mr. Snow should answer the question with regard to what "redirecting" means and should make the point for the record.

Mr. Snow responded to Attorney Brian's request.

The Commissioners asked various questions about the major special use permit.

The proponents and Planning staff responded.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to extend the meeting until 11:30 p.m.

The motion carried unanimously.

Major Special Use Permit for Waste Industries (discussion continued)

Mr. Snow continued his remarks about the Triangle Transit Authority and the comments about speculative nature relative to the transit station at Glover Road.

The Commissioners continued with their questions and comments.

Planning staff responded.

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Vice-Chairman Reckhow asked Mr. Norby where the Glover Road transit station is proposed.

Mr. Norby responded that the transit station is proposed or assumed to be located in the vicinity of the intersection of Glover Road and Angier Avenue near the railroad tracks.

Attorney Brian asked Mr. Norby a question about the 20/20 Plan relative to the transit station at Glover Road. He asked if, at this point in time, a Triangle Transit Authority plan shows a transit stop at Glover Road.

Mr. Norby said the presently approved number of stops does not include a projected stop at Glover Road. However, a feasibility study is being done for a stop in this area.

Attorney Brian wanted comments on the record to show that no TTA plan shows any interchange at Glover Road or Angier Avenue at this point in time.

Mr. T. F. Darden, Manager of Cherokee Sanford Brick, 702 Oberlin Road, Raleigh, said Cherokee Sanford Brick wants to develop its acreage in this area for commercial use. The Waste Industries plan is good and the company's operation is excellent. The plan will bring in greatly needed water, sewer, and road improvements.

The Commissioners continued to ask questions and make comments about the project.

Mr. Bruce C. Little, 3707 Esther Drive, said he was opposed to the transfer station being built on Site 12 due to traffic concerns and traffic back up on Angier Avenue and Wrenn Road.

Attorney Brian cross examined Mr. Little.

Commissioner Bell moved, seconded by Commissioner Heron, to extend the meeting until 12:00 p.m.

The motion carried unanimously.

Julius Bartell, 2013 Patterson Road, opposed the transfer station being built due to traffic concerns and heavy trucks on a blind curve on Wrenn Road. He urged the Commissioners to deny the project.

Chris Lamers, 108 Muscadine Court, Durham 27703, expressed great concern relative to the impact on the fire station, Bethesda Baptist Church, and Bethesda Elementary. He could foresee no road improvements except to Wrenn Road. He expressed concern about the smell of garbage and traffic safety.

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Charmarne DeLargy, 3715 Esther Drive, Durham 27703, expressed concern about the project relative to noise and stacking of trains. She urged the Commissioners to vote against the project.

Mr. Lauck stated that Waste Industries bought the residential customer base of BFI in the Raleigh-Durham market.

Mr. Snow was asked by Attorney Brian to discuss the projected traffic increase on Angier Avenue.

Mr. Snow responded to the request.

The Commissioners asked questions of Waste Industries management personnel.

Ms. Youngblood said staff may have two conditions to add to the Major Special Use Permit. Staff concerns relate to traffic issues. Uses permitted, now by right, may cause some of the same concerns to the Commissioners and staff. Additional information received from NCDOT may require possible improvements to Wrenn Road (including widening and resurfacing) before any change in drive permits would be approved. The buffered area where trees may have been removed may be another condition. A condition needs to be added to address the pretreatment agreement that must be obtained for the wastewater wash down.

Chairman Black recommended that the public hearing be continued until the March 9, 1998 Regular Session. The item would be placed under the consent agenda.

Attorney Brian said the petitioner is prepared to rest at this point. "I believe that we have more than adequately met all the requirements of the Zoning Ordinance. I request that the Commissioners issue a Major Special Use Permit for a recycling center and transfer station in accordance with the site plan approved by the Development Review Board on January 30, 1998.

Commissioner Bell and Vice-Chairman Reckhow said they could not support staff's recommendation.

Commissioner Bowser moved, seconded by Commissioner Heron, to extend the meeting five minutes beyond midnight to allow Commissioner Heron to ask questions of staff.

The motion carried unanimously.

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Commissioner Bell and Vice-Chairman Reckhow stated they could not approve the project due to traffic and railroad crossing concerns.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to deny the Major Special Use Permit for Waste Industries.

The motion carried unanimously.

Chairman Black said the public hearing will be continued until Monday, March 23, 1998 so all information can be brought back to the Commissioners for a final vote on the denial order.

Public Hearing--City Auto Salvage (Rezoning Case P97-68) and Major Special Use Permit For City Auto Salvage

Chairman Black opened the public hearings for City Auto Salvage (Rezoning Case P97-68) and Major Special Use Permit for City Auto Salvage. The public hearings had been properly advertised. She continued the hearings until Monday, March 23, 1998.

Adjournment

Chairman Black adjourned the meeting at 12:05 a.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board

GEU:VCS