

GUILFORD COUNTY PLANNING AND DEVELOPMENT  
PLANNING BOARD MEETING MINUTES

NC Cooperative Extension – Agricultural Center  
3309 Burlington Road, Greensboro NC 27405

January 11, 2023, 6:00 PM

**A. Roll Call**

The following Board members were in attendance in person for this meeting:

James Donnelly, Chair; Sam Stalder; Jason Little; Dr. Nho Bui; David Craft; Ryan Alston; and Cara Buchanan

The following Board member was not in attendance at this meeting:

Guy Gullick

The following staff members were in attendance in-person for this meeting:

J. Leslie Bell, Planning and Development Director; Oliver Bass, Senior Planner; Aaron Calloway, Planner I; Jessie Baptist, Administrative Officer; Rachel Teague, Office Specialist; L. Clyde Harding, Community Environmental Services Program Manager; and Stephen Thomas, Fire Marshal

**B. Agenda Amendments**

None

**C. Approval of Minutes: December 14, 2022**

Mr. Alston moved to approve the 12/14/22 minutes, seconded by Ms. Buchanan. The Board voted 6-0 in favor of the motion. (Ayes: Donnelly, Buchanan, Craft, Little, Bui and Alston. Nays: None.)

**D. Rules and Procedures**

Chair Donnelly provided information to everyone present regarding the Rules and Procedures followed by the Guilford County Planning Board.

At this time, Mr. Stalder arrived for the remainder of the meeting.

**E. Continuance Requests**

None

**F. Old Business****Legislative Hearing Item(s)**

**CONDITIONAL ZONING CASE #22-10-PLBD-00024: FROM CZ-HI (ref. CASE #18-08-GCPL-04979) CONDITIONAL ZONING-HEAVY INDUSTRIAL TO CZ-HI AMENDED CONDITIONAL ZONING-HEAVY INDUSTRIAL: 2103 BISHOP ROAD (APPROVED)**

Aaron Calloway stated that this request is located at 2103 Bishop Road (Guilford County Tax Parcel #141333 in Sumner Township), south of the intersection of Bishop Road with Vermont Drive and comprising approximately 7.05 acres. The request is to conditionally zone the subject parcel from CZ-HI (ref. Case #20-09-GCPL-07186) to amend the current conditions. The current development condition of the property is: there shall be no landfill activities on the property for the adjacent LCID and C&D landfills. The applicant proposes to remove this current development condition and include the following use condition: All uses allowed in the HI zoning district shall be prohibited except solid waste transfer station and recycling facilities. The land is gently sloping, moderately sloping, and steeply sloping. The adjacent properties to the west and south are similarly zoned for heavy industrial uses. The property to the northwest is a recycling center, and the property to the south, which is the subject of the Special Use Permit Case #22-10-PLBD-00025, has been used as a quarry and landfill. Both are under the same property owner. The northern adjacent property is zoned RS-40, Single Family Residential, and is undeveloped. Between the access for Tax Parcel #141332 and Tax Parcel #141335, which is zoned HI and used for asphalt production, is a parcel also zoned RS-40. Tax Parcel #141349, 0.21 of an acre, is isolated inside of Tax Parcel #141333 (the subject parcel), and is zoned RS-40. The lot is vacant and designated as Heavy Industrial under the Southern Area Plan. The proposed rezoning is partially consistent with the Southern Area Plan recommendation of Heavy Industrial (HI) and Light Industrial (LI), thus, if approved, an Area Plan amendment for the LI portion to HI will be required.

Chair Donnelly asked if there was anyone in the audience who wished to speak in favor or in opposition to this request.

Tom Terrell, attorney representing the applicants, stated that he wished to introduce Ron and Betty Petty, the owners of A-1 Sandrock. He started representing A-1 Sandrock in 1989 through their Grandfather, Gene Petty. He pointed out that this the applicant is required by the rules of the NCDOT for Solid Waste Permits to transcribe the hearings related to this property. The transcript will go to Raleigh. All this land is on Bishop Road, and it goes back to the 1850s and was owned by the Bishop family, and a lot of it is still owned by the Bishop family. This is land that they have taken care of and used in different ways throughout these 175 years. This particular tract is one that they don't have a business plan for yet, but while they were going through rezoning of other tracts, they wanted to go ahead and do that. It is already zoned HI, and because of that, there are all the uses allowed in the Table of Permitted Uses. This request eliminates those uses except for two (2), one of which is a transfer station for Municipal Solid Waste (MSU), the other of which is recycling. There was a neighborhood meeting on January 4<sup>th</sup>, which was a four-hour meeting, drop-in – drop-out. The properties across the street are Martin-Marietta and Republic Industries, and there is an asphalt plant to the east and C&D landfill to the west. There is a rectangle in the middle that is not owned by A-1 Sandrock. It is owned by the Goins family and is now owned by 2<sup>nd</sup> and 3<sup>rd</sup> generation heirs. He is having a difficult time finding all the heirs, but they have initiated conversations with one of the family members, who has graciously agreed to become a petitioner in a Partition Proceeding so that that one acre can be purchased and the proceeds divided up according to their interest. He is here to answer any questions the Board members might have. He also mentioned Mr. David Garrett, Solid

Waste Engineer, who will be designing this property at such time as they go through for permitting, and he can answer questions as well.

Chair Donnelly clarified that Mr. Terrell has stated that there is no plan at this point for a future business or rezoning; this only creates the opportunity for that to be done in the future.

There being no other speakers either in favor or in opposition to the request, the public hearing was closed.

Mr. Little moved to close the public hearing, seconded by Dr. Bui.

The Board voted 7-0 in favor of the motion. (Ayes: Donnelly, Buchanan, Craft, Stalder, Little, Bui and Alston. Nays: None.)

### **Discussion/Motion**

Mr. Craft moved to approve this zoning map amendment for Guilford County Tax Parcel #141333 from CZ-HI to CZ-HI Amended because this approval also amends the Southern Area Plan. The zoning amendment and associated Southern Plan amendment are based on the following changes in the conditions of the Southern Area Plan: Changing the LI portion of the parcel to HI to allow a potential waste handling facility to operate here. This amendment is reasonable and in the public interest because the requested conditional HI zoning is reasonable because the property is already conditionally zoned Heavy Industrial, particularly the subject parcels associated with a large debris recycling complex, which includes various lots. Completion of said complex will ensure a necessary and orderly venue for various forms of solid waste for the public, and are not likely to disturb populated areas, seconded by Ms. Buchanan. The Board voted 7-0 in favor of the motion. (Ayes: Donnelly, Buchanan, Craft, Little, Stalder, Bui and Alston. Nays: None.)

### **CONDITIONAL ZONING CASE #22-10-PLBD-00023: FROM AG, AGRICULTURAL TO CZ-HI, CONDITIONAL ZONING-HEAVY INDUSTRIAL: 2075 ZZ BISHOP ROAD (APPROVED)**

Chair Donnelly stated that he understands that there are some additional conditions that are going to be proposed.

Tom Terrell, attorney representing the applicants, stated that his clients (A-1 Sandrocks, Inc) have been working closely with the neighborhood, and there are some offers of conditions, and he would like to read them into the record:

- 1) There shall be no access to Concord Church Road. .
- 2) The height of the facility shall be limited to 185'. (This condition was approved by the County in 2018, under the current Special Use Permit..
- 3) Applicant shall use soil removed during construction of the CDLF cells to construct a berm along the southeastern border of tax parcel #234575. Upon completion, the berm shall be no less than 1,200 linear feet and at least 15' in height, with a variety of evergreens planted along the berm crest, approximately 8 to 10 feet apart. Evergreens shall be selected from varieties expected to reach at least 15' in height at maturity. The evergreens shall be maintained, and dead or diseased plants shall be replaced quarterly, depending upon seasonal conditions.

- 4) Hours of operations shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 1:00 p.m. on Saturdays and no work on Sundays.

At this time, all Board members (7-0) voiced their acceptance of the conditions, as read above.

Oliver Bass stated that this request is located at 2075 ZZ Bishop Road, Guilford County Tax Parcel #234575 in Sumner Township, approximately 100 feet from the terminus of Concord Church Road and comprises approximately 14.73 acres. This is a request to conditionally rezone property from AG to CZ-HI with the use conditions as read into the record and accepted by the Board. The AG district is intended to provide locations for agricultural operations, farm residences, and farm tenant housing on large tracts of land. This district is further intended to reduce conflict between residential and agricultural uses and preserve viability of agricultural operations. The HI district is intended to accommodate a broad range of heavy industrial uses including manufacturing, wholesale, fabrication, resource extraction and specialized industrial operations that may create adverse impacts on incompatible uses including residential or sensitive habitats. Development should have access to arterial streets and highways. The CZ district is intended to establish as a companion district for every district established in Section 4-2 of the UDO. All regulations which apply to a general use zoning district also apply to the companion conditional zoning. All other regulations which may be offered by the property owner and approved by the Planning Board as part of the rezoning process apply. The proposed rezoning is inconsistent with the Southern Area Plan recommendation of Rural Residential and Agricultural; thus, if approved, an Area Plan amendment to Heavy Industrial (HI) is required.

Slides were presented for the Board members' review showing that this is in a heavily industrialized area south of the subject parcel with uses that include the A-1 Sandrock landfill, an asphalt plant, and a truck terminal on Bishop Road. The area South of the property subject to the rezoning request consists of low-density, single-family residential subdivided lots along Concord Church Road. The existing land uses on the property are as follows: The subject property is currently undeveloped, and there is a Duke Energy easement located along the southern boundary of the property, which is "A" on the map shown. Surrounding uses are the Sandrock landfill operation. While the southern portion of the lots has a LCDR landfill, the portion that fronts on Concord Church Road is primarily undeveloped. The property to the west immediately adjacent to the property is primarily undeveloped. There are no inventoried historic properties on the site and no known cemeteries are located on the site.

Chair Donnelly asked if there was anyone in the audience who wished to speak in favor of this request.

Tom Terrell, attorney representing the applicant, stated that he hopes the Planning Board notices that the number of people in the room is much smaller than last month. That is because of the neighborhood meeting with people who lived as much as a ½ mile away from the site. This is a C&D landfill, which means Construction and Demolition and is not something that is talked about very often, but it is something that every growing community has to have. Anytime a house is built there is left-over construction materials that must be removed from the property. Therefore, these types of facilities are very important for our growing community. This 14-acre facility recycles these materials on a daily basis. The materials are contained, and this is a very clean facility with very little debris blowing around.

In response to a question posed, Mr. Terrell stated that with regard to the concrete and asphalt, it is crushed and used for different types of aggregate. All of the wood is ground up and used for mulch, which is sold to the public for its use. With regard to the proposed berm that would use the soil that

is removed from the site, Mr. Terrell stated that he would explain how a landfill is constructed. Landfills are built in cells. They dig out the soil, and if it is a lined landfill, the liner is installed, and one spot is filled, and then when that one is capped, they move on to the next cell. Each cell is very carefully, intricate and detailed engineered. There should be enough soil available to fill and cap each cell. Berms stop just about all the sound from the facility, and the evergreens that would grow on top of the berm would be an added visual buffer.

David Garrett, a registered engineer practicing Civil and Geotechnical Engineering for many decades was introduced. He's also a licensed geologist dealing with landfills most of his career, in excess of 30 years. Regarding the technical aspects of the facility, typical questions that they receive deal with the nature of the waste - what is it, is it putrescible, is it infectious, etc. It is not any of those things. As Mr. Terrell has described, it includes inert materials that are left over from construction, or if a building is taken down and some of the materials that cannot readily be recycled, they would come to this facility. There are no odors related to the facility that escape the boundaries, such as food and other waste. No one has commented that they have encountered an odor from this facility. There are no birds, rats, or other types of wildlife that are attracted to this waste. He knows this site very well and has been there since it opened and has had the pleasure of working with three generations of the Petty family, and they are genuine people. The landfill does, and will continue to, meet all of the local zoning conditions, requirements, as well as the State's permitting requirements. This facility is monitored and permitted by the NC Department of Environmental Quality located in Raleigh. There are agents in Winston-Salem and they make regular inspections of the facility to verify that they are in compliance. Another question that is sometimes raised, relates to the groundwater conditions of the facility. With groundwater being the resource that it is, the facility is designed and monitored in order to protect groundwater quality. There have been no violations in groundwater at this facility. Groundwater flows away from the community that brought these concerns on Concord Church Road. Several people have wells there, and groundwater from the facility flows away from those residences. There have also been no violations for operations, and the facility is very well run. This is one of the best facilities he has dealt with in the State, and he has worked on about 100 facilities.

Chair Donnelly asked if there was anyone wishing to speak in opposition.

Richard Coleman, who owns the property at 2372 Concord Church Road, stated that this started out as a recycling center, and they recycled everything. It looks like they've buried more than anything over there, and he just wants to know why. There is no fence containing the blowable trash that blows around everywhere. He brought pictures showing the debris and trash blowing around. There are plastics, vinyls, and other contaminants that go in there, and they do break down, and they are very contaminating. He would like to see an Environmental Impact Study on this facility before a decision is made on this. If this request is approved, he would like the berm to be built immediately and not two years from now. He also wanted to know why they need to expand the landfill if they're trying to put a transfer station in there?

Mr. Alston asked if Mr. Coleman was aware and attended the neighborhood meeting, and Mr. Coleman responded that he did attend that meeting and also another meeting the week before. Dr. Bui asked how much debris he was talking about that is blowing around? Mr. Coleman offered his cell phone for anyone wishing to see the video he had taken of the facility showing the blowing debris. In response to another question, Mr. Coleman stated that he owns the property, but he does not live there. He also pointed out that there are animals that come to the property, such as birds. There are lots of birds.

Ira Knight owns a parcel in the area marked "G" to the south on the map. He stated that he is neither for or against, he just wanted to make a comment. They (he) grow tobacco, sweet potatoes, and winter wheat. He learned about this hearing a few weeks ago, but he wasn't aware of a community meeting. He does not own a parcel that adjoins the parcel marked "A".

#### **Rebuttal in favor**

Tom Terrell responded to comments made and stated that with regard to Mr. Knight, he spoke with him on the phone today and had an opportunity to answer questions. Mr. Knight was outside of the notification area, and he did not sign up to receive any notifications. Regarding the trash, any time you have light materials, there is going to be some blowing. A-1 Sandrock has its employees out there on a regular basis picking up the trash, and they are required to do that by their permit. It is not a daily chore, but it is something that they do regularly. The berm that is offered as a condition, with the trees on top, should prevent any and all of the lightweight materials on windy days from leaving the site.

David Garrett stated that with regard to the blowing trash, it is an operational requirement that the blowing debris be managed, as Mr. Terrell mentioned. They also have an operations cover requirement, where swells apply to the working surface on a periodic basis in order to prevent that blowing material. The facility has not had any violations for blowing debris, and they do a good job of keeping it picked up because they don't have any violations. Regarding the birds, someone may see some birds out there, but they are not of the scavenging variety like sea gulls, vultures, and things that would be attracted to an MSW (household waste) landfill. In response to a question about soil cover is an application of 6" average depth of soil to completely cover the waste within an operating cell. The cells are usually at ½ acre or less or a 1-week period or less, the maximums for C&Ds.

#### **Rebuttal in opposition**

Richard Coleman returned and stated that they are proposing to build a 12' – 15' berm with the trees, which would be 185' high, and what good is that going to do? The City of Greensboro builds a fence to contain their blowable trash, this one has no containment at all. There are vultures out there on the power lines that hang out at the landfill.

Calvin Hanes, 2369 Concord Church Road, stated that his property is beside "D" on the map (of property owners). He stated that he is in favor of the request. Mr. Petty talked with him and assured him that he is going to build a berm across that property. As far as he is concerned, it is his land, and he can do whatever he wants to there.

With regard to the debris blowing around, he has not seen any debris on his property, and he is 300-400 feet away. He does not have a problem with it. He also talked to Doggett who owns the land beside him, and he is also going to put a 20' berm up and plant trees on it. He can sit on his deck and see the A-1 property and he thinks the proposed berm will be very helpful. He has lived there 68 years and he doesn't have any problem with it.

Dr. Bui moved to close the public hearing, seconded by Ms. Buchanan. The Board voted 7-0 in favor of the motion.

**Discussion/Motion**

Mr. Alston stated that he attended the community meeting, and he expected a bigger turnout because of the crowd that attended last month. He feels it said a lot to how hard they worked on looking at adjacent properties in the community, so he would also approve the request because of how they extinguished the fire from the last meeting. He applauds their efforts.

Mr. Craft moved to approve the zoning amendment for property located at Guilford County Tax Parcel #234575 from AG to CZ-HI with the conditions that were previously accepted by the Board. This approval also amends the Southern Area Plan by changing the parcel from AG to CZ-HI. This amendment is reasonable in the public interest even though it is inconsistent with the Area Plan, because it is basically an extension of Conditional Zoning for C&D landfill immediately north. Both parcels are under the same ownership and the request proposes similar zoning conditions. The proposed uses are similar to other uses south of the subject parcel, and a minimum 50' Type-A buffer is required from the adjacent residentially-zoned properties. Pursuant to the Guilford County Unified Development Ordinance, access to the landfill site from Concord Church Road is restricted and C&D landfills provide a means to properly dispose of waste-related materials, seconded by Dr. Bui. The Board voted 7-0 in favor of the motion. (Ayes: Donnelly, Buchanan, Craft, Stalder, Little, Bui and Alston. Nays: None.)

At this time a short break was taken from 7:05 until 7:15 p.m.

*For the following case, the attorney representing the applicant had provided his own stenographer who was to provide a verbatim transcript to the Planning Board. Therefore, the reporter retained by the County left the meeting at 7:20 p.m.*

**Evidentiary Hearing Item(s)****SPECIAL USE PERMIT CASE #22-10-PLBD-00025: CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL, MAJOR AND ACCESSORY USES ON CONDITIONAL ZONING-HEAVY INDUSTRIAL (CZ-HI) ZONED PROPERTY: 2111 BISHOP ROAD**

Located at 2111 Bishop Road (Guilford County Tax Parcel #141332 and includes Tax Parcel #234575 located at 2075 ZZ Bishop Road in Sumner Township) and comprises approximately 86.7 acres. Tax Parcel #141332 is currently under a Special Use Permit (Ref Case #31-01 SP and amendment Case 18-08-GCPL-04985 SP) for a Major Land Clearing and Inert Debris (LCID) Landfill, a Major Construction and Demolition Debris (C&D) Landfill, and Sandrock Mining Operation.

This request is for a Special Use Permit for a Major Construction and Demolition Debris Landfill with the following conditions: (1) 30-foot buffer along parcels 141335 and 141336 shall remain as undisturbed vegetative buffer; and (2) Access from Concord Church Road shall be for emergency access only (not for day-to-day operations) and this access will be gated and locked; Facility height (i.e. height of landfill) shall be limited to 185 feet. Subject properties are currently zoned CZ-HI (Ref Case #30-01) and pending zoning CZ-HI (Ref Case #22-10-PLBD-00023). The request would extend the C&D landfill operation to Parcel #234575. This request includes an associated Sketch Site Plan.

**[SEE ATTACHED TRANSCRIPT]**

**G. New Business**

None

**H. Other Business**

Comprehensive Plan Update

**I. Adjourn**

There being no further business before the Board, the meeting adjourned at 8:30 p.m.

***The next scheduled meeting is February 8, 2023.***