

**Town of Siler City Board of Adjustment
May 14, 2012 Meeting Minutes**

The Siler City Board of Adjustment met on Monday, May 14, 2012 at 7:00 p.m. Harold Hart called the meeting to order and Wallace Matthews gave the invocation. Mr. Hart asked for a motion to approve the minutes of April 9, 2012. *Motion made by Wallace Matthews, seconded by JP Joyner, followed by unanimous consent.*

MEMBERS PRESENT: Curtis Brown, Harold Hart (Chair), Dacia Hayes, JP Joyner, Wallace Matthews, Dan McMasters, Patty Poe, and Mickey Pore (Vice Chair)

MEMBERS ABSENT: Mary B. Harris

SPECIAL USE PERMIT – 602 SOUTH CHATHAM AVENUE – AUTO PARTS SALVAGE AND SCRAP METAL PROCESSING FACILITY: Mr. Hart explained that all testimony given tonight must be sworn testimony. Jack Meadows, Larry Gillen, Robert Gunn, and Dorothy Little were sworn in.

Planning Director's Report: Jack Meadows reported that D.H. Griffin Wrecking Co., Inc. (DHG) requests a special use permit to operate an auto parts salvage and scrap metal processing facility. The subject property is located at 602 S. Chatham Ave. The subject property is: 1) owned by DHG; 2) served by Town water and sewer; 3) located within the Corporate Limits; 4) located above an intermittent stream (underground) that drains into Loves Creek approximately 900 feet east of the subject site; 5) surrounded by L-I, H-I, H-C, O-I, and R-10 zoning; and 6) surrounded by the following land uses; vacant, railroad, building supply, concrete plant, and residential.

Mr. Meadows added that the proposed use will: 1) add commercial weigh scale, single story pre-manufactured office/scale room, and covered unenclosed shed/canopy; 2) broom clean the site but leave in place all existing foundations, foundation walls, asphalt, concrete, underground storm water drainage and sanitary sewer collection system, weigh scale, scale room; 3) cut with torches or mechanized shears and weld metals on site (no smelting on site); 4) recycle both ferrous and non-ferrous materials; 5) process and remove recycled materials from site within six weeks of receiving (vehicles graded to be viable for parts sales will be kept on site up to three months); 6) not accept any regulated materials; 7) extract all fluids from vehicles with a pneumatic extraction unit and store the fluids in holding tanks; 8) install and maintain filters on all stormwater inlets; 9) close all driveways and use a single point of ingress/egress; 10) install small trees thirty feet {or large trees forty feet} on center and a six feet tall opaque fence along the northern, eastern, and southern boundaries; 11) parking and drive isles, a) provide sixty three parking spaces (for employees and customers) off-site on the east side of S. Chatham Ave., b) provide two handicap parking spaces on-site near the scale room, c) provide on-site short term customer parking area for sellers cashing out, d) drive isle widths must be a minimum of twenty four feet, e) parking space size must be a minimum nine feet wide by nineteen feet deep; 12) operate Monday – Friday (7:00am – 7:00pm) and Saturday (7:30am – 12:30pm); 13) comply with Town's noise and nuisance ordinances; 14) have 5-6 employees on a single shift; 15) make an initial investment of \$1.8 - \$2 million including, a scrap handler (crane equipped with a magnet or claw), an excavator equipped with a shear, front-end loader, and skid steer; and 16) require \$200,000 - \$300,000 in construction cost. S. Chatham Ave. has 1,800 – 3,300 average daily trips.

Mr. Meadows reported that the Land Development Plan (LDP) recommends industrial development for the subject property. The LDP states the following: 1) Attract diverse industrial development that will stimulate the economy; 2) Encourage industrial development that is environmentally friendly; 3) Encourage industrial land uses that require appropriate amounts of public water for their manufacturing processing; 4) Develop zoning standards that address screening and buffering between industrial and adjacent dissimilar land uses; and 5) Encourage water reuse and industrial recycling for new and existing industry.

Staff Recommendation: Mr. Meadows stated that the application is complete. The proposal meets the development criteria of the Unified Development Ordinance. Based on the information received at this time, Staff recommends approval with the following conditions: 1) Record the special use permit with the Chatham County Register of Deeds; 2) Obtain NCDOT driveway permit and encroachment agreement; 3) Obtain NCDWQ NPDES stormwater permit and state stormwater permit; 4) Submit storm water drainage and spill containment plan; 5) Obtain site plan, zoning permit, and sign permit approval; 6) Install Type A opaque landscaping screen along the northern, eastern, and southern property boundaries; 7) Must take necessary actions to plug existing sewer system to prevent rain water and on-site fluids from entering

Town's sewer system; 8) Install five feet wide sidewalk along the eastern property boundary within the S. Chatham Ave. right-of-way.

Discussion: Larry Gillen, In house counsel for DHG (Hilltop Rd, Greensboro, NC), stated he was here to answer any questions that the board might have. He explained that DHG is a family owned scrap and recycling company that was founded in 1959 by D. H. Griffin and his wife. The company is also involved in demolition, asbestos removal, environmental, fire and metal, infrastructure, site preparation, and contracting. DHG wants to be a terrific neighbor and is a great corporate citizen that is involved in charitable, religious and civic organizations.

Dan McMasters asked if the proposed facility was a new branch or were they moving the company to Siler City. Mr. Gillen stated that this would be a new facility. DHG has an existing 37 acre scrap yard in Greensboro on Hill Top Rd. The Siler City facility will be a feeder yard to the Hill Top facility. The proposed facility will allow customers to pull parts off salvaged vehicles and bring in salvaged vehicles for sale. If the Company determines that the vehicle has parts that customers will purchase, then the vehicle might stay on site for 60 to 90 days. If the vehicle does not have parts that customers will purchase, then they will ship the vehicle to the Hill Top facility for further processing. The proposed facility will also be purchasing other scrap metals from the public which will be immediately shipped to Greensboro.

Mr. Joyner asked if there will be a crusher at this site. Mr. Gillen answered no. Patty Poe stated that she was familiar with the Hilltop facility in Greensboro and asked Mr. Gillen to give her a comparison between the proposed Siler City site and Greensboro. Mr. Gillen answered that this site would be on a much smaller scale. The Hilltop site is beside a railroad track and they accumulate a large amount of scrap metal. Mrs. Poe asked how many employees does DHG anticipate for this facility. Mr. Gillen stated 5 to 6 full time employees. Mr. Gillen pointed out to the board that Type A buffering was required on the north and east sides, but was not along the south side beside Chandler Concrete. DHG thought it would be a good idea to buffer on the south side to show that they wanted to be a good neighbor.

Dacia Hayes asked if they would be making some cosmetic improvements to the property. Mr. Gillen stated that DHG plans to clean up the piles of debris left from when the plant was demolished and install the opaque fencing and vegetation. He added that there will only be one entrance and exit to the site.

Attorney Robert Gunn (PO Box 880, Pittsboro, NC) stated that his firm is representing Mr. James Boling who owns a sizeable tract of land across the street from this proposed project. He stated that Mr. Boling is very much opposed to this project, thinks it will devalue his property, and has potential to contaminate the stream that runs across his property. Mr. Gunn said he thought for the board to approve this permit they must make four findings according to the Town's ordinance. The first finding is that the project must not endanger the public health or safety. Mr. Gunn stated he thought with the potential for contamination of the stream which would certainly damage the public health & safety. The second finding is it must not materially injure the value of the adjoining or abutting properties. Mr. Gunn stated that he thought the burden was on the applicant to prove each of these findings and he has not seen anything about the facility which is proposed that will not materially injure the value of Mr. Boling's property. The third finding is that the project is in harmony with area which it is to be located. Mr. Gunn stated that he didn't think a salvage yard is in harmony with the facilities that are already located in that area. The fourth finding is that it must be in conformity with the land-use plan, thoroughfare plan, or other plan officially adopted by the Town of Siler City. Mr. Gunn stated that he was sure that our Town Attorney and Mr. Meadows have advised the board whether it complies with those plans.

Mr. Gunn stated he has some problems with the plans submitted because there is not enough detail to know what the facility is going to look like, what size and exact location. Mr. Gunn stated the board should be concerned about the possibility of the contamination to the stream and the other items. He is asking for Mr. Boling that the board not approve the permit. Mrs. Hayes asked to be shown where Mr. Boling's property is on the map. Mr. Meadows referred the members to the map included with their agenda. Mr. Hart asked about the size of Mr. Boling's property. Mr. Meadows stated that it was about 20 acres of which a large portion is in the flood plain.

Mr. Gillen asked if he could respond to a few of the items that Mr. Gunn had addressed. He reviewed with the board the site map and pointed where the railroad and Mr. Boling's property were located. Mr. Gillen

stated that as far as the environmental concerns that Mr. Gunn referred, the company always takes those into consideration. He added that one of the conditions that Mr. Meadows recommended to this special use permit is that they submit a storm water drainage and spill containment plan. At the Greensboro facility they have permits in place that have to regularly test surface and storm water and ensure that stormwater does not leave the property. He added that they are a good neighbor to the environment and residential areas. Mr. Gillen added as far as fitting in with the neighborhood, Chandler Concrete and a lumber company are to the south.

Mr. Hart asked what is the size of the proposed buildings. Mr. Gillen said the shed was 20'x30' and the office would be a singlewide or doublewide manufactured building. Mr. Hart asked about the existing scales. Mr. Gillen stated they would not be making use of the existing scales. William Morgan asked if the testing at their Greensboro facility is voluntary or required by the state. Mr. Gillen stated that it is pursuant to the state permit. There is an oil and water separator type system that collects into a containment area and the solvents are then taken off site for proper disposal.

Mr. Gillen explained that the Hill Top operation is not comparable to this site at all because it is at a much larger scale of operation. The Siler City site will be primarily autos, appliances, and other metals on a retail scale which most of the time does not have a lot of containments in them except for the autos. The collection system will take place in the shed. A pneumatic system will suck out the liquids (gas, oil, & antifreeze) and then be put into double wall tanks. DHG contracts with FCC Environmental to pump out the tanks periodically and recycle the liquids. Mr. Gillen explained that all autos will eventually be shipped to Greensboro. After the auto leaves Siler City the ground underneath the auto will be inspected and if anything is found on the soil, then it will be removed and properly disposed. If the auto is located on asphalt or concrete, then they will clean the asphalt or concrete. Mr. McMasters asked how the company prevents the vapors from igniting. Mr. Gillen explained that there are not enough fluids left to ignite because the fluids have been removed and put into the tanks.

Dorothy Little (519 S. Chatham Ave., Siler City) then asked Mr. Gillen why are they locating everything closest to the residential area. Would they not be better to move it to another location on the property in case there is a fire or fumes? Mr. Gillen explained that gas would not be left in the autos because the pneumatic system sucks the fluids out. The fluids are contained within a fully enclosed storage tank and fumes are unable to escape. The storage tanks are located near the office so that employees can monitor them. With no further comment, Mr. Hart closed the public hearing.

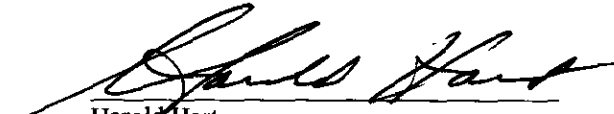
William Morgan, Town Attorney stated that he wanted to clarify a couple of things for the board. He explained that our ordinance is intentionally worded so that the board does not have to make affirmative findings on those items unless it is part of a motion to deny the permit based on evidence that you have heard. Mr. Morgan stated that the ordinance is worded and interpreted as such that the burden is on those who allege the existence and produce evidence to show that it is out of harmony or impact property values. He asked the board if they had any questions.

Special Use Permit Worksheet:

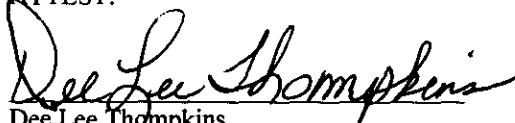
1. The application is complete. *Motion made by Dan McMasters, seconded by JP Joyner, followed by unanimous consent.*
2. The application complies with all applicable requirements of the UDO. *Motion made by Curtis Brown, seconded by Wallace Matthews, followed by unanimous consent.*
3. The application is granted, subject to the following conditions:
 - a. The applicant shall complete the development strictly in accordance with plans submitted to and approved by the Board, a copy of which is filed in the City Hall
 - b. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
 - c. Record the special use permit with the Chatham County Register of Deeds.
 - d. Obtain NCDOT driveway permit and encroachment agreement
 - e. Obtain NCDWQ NPDES stormwater permit and state stormwater permit
 - f. Submit storm water drainage and spill containment plan
 - g. Obtain site plan, zoning permit, and sign permit approval
 - h. Install Type A opaque landscaping screen along the northern, eastern, and southern property boundaries

- i. Must take necessary actions to plug existing sewer system to prevent rain water and on-site fluids from entering Town's sewer system
- j. Install five (5) feet wide sidewalk along the eastern property boundary within the South Chatham Avenue right-of-way. *Motion made by Dan McMasters, seconded by Wallace Matthews, followed by unanimous consent*

ADJOURNMENT: With no further business, Mr. Hart asked for a motion to adjourn. *Motion made by Mickey Pore, seconded by JP Joyner, followed by unanimous consent.* Adjourned at 7:40 p.m.


Harold Hart
Chair

ATTEST:


Dee Lee Thompkins
Recording Secretary