



To: Carlette E Southern-Robert/CDS/Wake County@Wake County  
cc:  
Subject: Cooke LCID landfill status

As per your request I met with Randy Mundt this am regarding the status of the Cooke LCID Landfill, the status is as follows:  
The Board of Commissioners will receive written comments from the opponents through 5:00pm on July 24, 1998  
The clerk to the Board will transmit these comments to the porponents and give the proponents until 5:00 pm on August 7, 1998 to reply  
The Board of Commissioners will meet on August 17,1998 to complete the hearing and make a decision on the Cooke LCID Landfill

 Agenda for 07/13/98 Board of Commissioners Meeting

Kim M Gazella on 07/10 at 08:53 AM

Category: Board Agenda

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**- A G E N D A -**  
**WAKE COUNTY BOARD OF COMMISSIONERS**  
**MEETS IN REGULAR SESSION**  
**IN THE WAKE COUNTY COURTHOUSE**  
**7TH FLOOR - ROOM 700**  
**RALEIGH, NORTH CAROLINA**

**DATE:** Monday, July 13, 1998 at 10:00 a.m.

**MEETING CALLED TO ORDER:** Chairman John Converse

**PLEDGE OF ALLEGIANCE**

**INVOCATION:** Commissioner Betty Lou Ward

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**ITEMS OF BUSINESS:**

1. Approval of Agenda
2. Minutes of Commissioners' Meeting of June 15, 1998, Accepted and Approved
3. **Hearing:** Proposed Special Use Permit Request (SUP-1782-97) Cooke Landfill (A Land Clearing and Inert Debris Landfill)

Procedure for Hearing

Introduction by Randy Mundt, Land Development Supervisor

Pertinent Facts

Action by Board of Commissioners

4. **Public Hearing:** Request for ETJ Extension From the Town of Zebulon

Procedure for Public Hearing

Introduction by Mike Jennings, Planning Director

Comments by Interested Parties

Planning Staff Recommendation  
Planning Board Recommendation by Cliff Thomas, Chairman  
Action by Board of Commissioners

5. **Public Hearing:** Creation of Wake County Fire Protection Service District

Procedure for Public Hearing

Introduction  
Comments by Interested Parties  
Action by Board of Commissioners

6. **Public Hearing:** Proposed Amendment to the Wake County Zoning Map, Petition ZP-757-98, West Side of NC 55, South of Apex, From R-30 & Highway District to CU-I-2

Procedure for Public Hearing

Introduction by Mike Jennings, Planning Director  
Comments by Interested Parties  
Planning Staff Recommendation  
Planning Board Recommendation by Cliff Thomas, Chairman  
Action by Board of Commissioners

7. **Public Hearing:** Special Use Permit Review Authority and Process

Procedure for Public Hearing

Introduction by Mike Jennings, Planning Director  
Comments by Interested Parties  
Planning Staff Recommendation  
Planning Board Recommendation by Cliff Thomas, Chairman  
Action by Board of Commissioners

8. **Public Hearing:** Sexually Oriented Businesses

Procedure for Public Hearing

Introduction by Mike Jennings, Planning Director  
Comments by Interested Parties  
Planning Staff Recommendation  
Planning Board Recommendation by Cliff Thomas, Chairman  
Action by Board of Commissioners

9. Annual Settlement of Revenue Director

10. Order Directing Revenue Director to Collect Taxes Charged in Tax Records
11. Fiscal Year 1998-99 Budget Ordinance Amendments
12. Financing and Capitalization of New Ambulance Vehicles
13. Disposition of Various Personal Computers and Related Assets That Have Been Declared Surplus by the County
14. Reconstitution of Open Space Task Force
15. Comments on Senate Bill 726 (Establish Swift Creek Joint Zoning)
16. Discussion of Privatizing the Wake County Solid Waste Disposal Program
17. Drainage Easement Request - Site 5A Crabtree Creek Watershed Project
18. Offer to Purchase County-Owned Property in the Perry Hills Subdivision in Apex
19. Joint Resolution of Wake Human Services, The Durham Center, and Orange-Person-Chatham Area Mental Health, Developmental Disabilities and Substance Abuse Services Authority
20. Schools Funding Request for Appropriation of Schools Capital Projects Funds
21. Return of Bid Security for Plumbing Contractor on Centennial Campus Magnet Middle School
22. Award of Construction Contracts for the Wake County 9-1-1 Emergency Operations Center
23. Nominations for Appointments
  - a. Cary Planning and Zoning Board - (1 Vacancy)
  - b. Greater Raleigh Convention and Visitors Bureau - (1 Vacancy)
  - c. United Arts Grants Panels - (1 Vacancy)
  - d. Wake County Adult Care Home Community Advisory Committee - (6 Vacancies)

- e. Wake County Alcoholic Beverage Control Board - (2 Vacancies)
  - f. Wake County Board of Adjustment
  - g. Wake County Commission for Women - (1 Vacancy)
  - h. Wake County Nursing Home Community Advisory Committee -  
(8 Vacancies)
  - i. Wendell Planning and Zoning Board - (4 Vacancies)
24. Appointments That May Be Considered in August 1998
25. Tax Report
26. Other Business

**WISWIM**  
**WAKE COUNTY**  
**SOLID WASTE MANAGEMENT**

July 10, 1998

MEMO

TO: Carlette Southern-Robert, Solid Waste Director

FROM: Wayne Woodlief, Project Manager 

SUBJECT: Cooke LCID Opponents

As requested I am providing a summation of the opponents to the Cooke LCID landfill. The concerns range from traffic to odor to noise.

There are road limit concerns (tonnage limits) as well as questioning the width of the road accessing the proposed landfill.

There was a concern of increased traffic on Louisburg Road (US 401)

One speakers concern was that the estimated amount of traffic was less than what would really utilize the site.

There was a concern of property values being affected.

There was a concern of the facility disposing of Construction Debris.

Mr. Cooke said he intended to grind stumps, the response was that it would probably have to be rezoned prior to pursuing a grinding operation. It was agreed that no grinding would occur until proper zoning was obtained.

The concerns are similar to the concerns observed at the Shotwell and Jones LCID landfill hearings, I have attached the minutes to the hearing for you viewing.

If I can be of any further assistance please let me know.

Additional items as requested are as follows:

1. Application date to Land Use, the original submittal was 12-17-97, Cooke asked it to be tabled, he asked it to be brought back in May it was put on the June agenda
2. The application has been before the planning board and is to go before the Board of Commissioners on Monday July 13, 1998.
3. The next step is to go before the Board of Commissioners on Monday and pending their decision it will either be approved or denied based of the finding of fact as required. If approved the applicant will start the permitting process with the Solid Waste Division.
4. The 32.91 acres site is located on Old Watkins Road SR 2233 between Forestville Road SR 2049 and Watkins Town Road .

Jennings noted that the criteria in the Land Use Plan go beyond State law. He explained that the legislature's purpose in allowing municipalities extraterritorial jurisdiction was to provide a way for municipalities to plan for urban development and apply urban development standards in areas likely to become urbanized.

Mr. Campen expressed concern that if the Planning Board recommended against the requested extension, it would be seen as acting arbitrarily and would be inconsistent with its and the County's past practices. He moved that the Planning Board recommend that the Board of Commissioners agree to the Town of Zebulon extending its extraterritorial jurisdiction into that part of the area requested which is in its Urban Services Area. There was no second to the motion.

Mr. Thompson then moved that the Planning Board recommend that the Board of Commissioners not agree to Zebulon's request for ETJ extension, noting that he hasn't seen proof that the Town can extend sewer to the entire area within 5 years. Mr. Mitchell seconded the motion, which passed, without further discussion, by a vote of 8-1, with Mr. Campen opposing it.

**Special Use Permit Petition - Cooke Landfill - Petition for a demolition landscape landfill Special Use Permit to allow the disposal of land clearing and inert debris (LCID) on 32.91 acres zoned Residential-30 and located on the north side of Old Watkins Rd., between its intersections with Forestville Rd. and Watkins Town Rd. (PIN 1746-59-4392, 1746-59-6265, 1746-69-0628, 1746-69-2369)**

Mr. Mundt reminded the Board of the quasi-judicial nature of Special Use Permit petition reviews, and that the Board's recommendation depends on whether it can reach the required conclusions set forth in the Zoning Ordinance, based on factual evidence presented during the hearing. He stated that the petition is scheduled to be heard by the Board of Commissioners at its July 13 meeting.

Mr. Thomas opened the hearing and invited all persons planning to speak to come forward and be sworn in. Mr. Jennings swore in the prospective witnesses.

Mr. Mundt presented the petition and the staff report on the petition, describing the location and size of the proposed landfill site and noting that the petition includes a preliminary site plan and written report that meet submittal requirements. According to the petition, the landfill would be operated by the owner of the site (Walter Cooke) and is expected to handle 30 to 50 truckloads a day of land clearing waste, inert debris, untreated wood, and yard trash - principally from Raleigh and eastern Wake County - until 2050, after which time it is proposed to be converted into a tree farm or park. A 100-foot-wide landscaped bufferyard with opaque screening is required along the perimeter of the landfill site. Wake County soil erosion and sedimentation control standards will have to be met. Any wetlands along the north side of the site will have to be delineated and comply with federal wetland regulations. No disturbance of the 100-year floodplain on the site will be allowed without a flood study.

Mack Little, representative of the firm that prepared the site plan, stated that the proposal complies with all the required conclusions. The general area has adequate roadways that provide good access to the site. No utilities will be required. Existing ponds on the site contain adequate water for fire protection. The landfill will have no effect on surface waters or groundwater. The owners will obtain all necessary permits and approvals. The site slopes gently away from Old Watkins Rd. to a large floodplain to the north, and includes a small drainageway to and from a pond that is to be retained. A 100-foot-wide buffer will be provided around the perimeter of the site. The landfill will abut the home of the Cookes, who therefore have incentive to ensure that the landfill will be managed properly.

Mr. Thomas invited persons in the audience to comment on the proposal.

Mr. Cooke, owner of the site, stated that he is in the landscaping business and now has to take land clearing debris to other sites. In response to Mr. Thompson's query about the height of the landfill, Mr. Little stated that it will be 70 feet high. In response to Mr. Baker's query, Mr. Cooke stated that he plans to also grind trees and limbs on the site. Mr. Mundt noted that addition of a stump grinding operation would probably require rezoning the site to Industrial. Mr. Little stated that no grinding operation will occur until proper zoning is obtained.

Marvin Butler, a NCDOT employee, spoke in favor of the proposal. He noted that the Outer Loop (I-540) is planned to pass within a mile of the site and its construction will require debris disposal - a need the proposed landfill could help serve.

Ross Haggerty, a neighborhood resident, spoke in favor of the proposal, stating that he trusts the Cookes to maintain the landfill properly.

Kathryn Evans, a neighborhood resident, spoke in opposition to the proposal. The general area is solely residential in character, with only a few exceptions. Contrary to the petition's statement, the area around the site is not undeveloped. There are 5 major residential subdivisions within a mile of the site, with 2 within 1/2 mile of the site. Most of the area homes are occupied by first-time home buyers. The proposed landfill would be within a few hundred feet of new homes under construction. Mitchell Mill Rd. is heavily traveled and poorly maintained, and cannot handle the additional truck traffic the proposed landfill would generate along it. The landfill would result in increased noise and odors. The required bufferyard will be insufficient to mitigate its impacts. Ms. Evans stated that she had statements in opposition to the proposal signed by 67 area residents, and urged the Board to recommend its denial.

Cindy Hurley, a neighborhood resident, expressed concerns about the proposed landfill's impact on traffic along Louisburg Rd., which backs up every evening, and asked the Board to recommend denial of the proposal.

Seven more area residents spoke in opposition to the proposal. Several reiterated concerns about the ability of already-overcrowded area roads to handle truck traffic to and from the proposed landfill, with one speaker noting that traffic already backs up on Mitchell Mill Rd. and Old Buffaloe Rd.. Several reiterated that the site is surrounded by residential development. They expressed concerns that the trucks will track mud on area roads, that the landfill will injure the value of their properties, that the operator will not be able to police materials being deposited, that the landfill would create bad odors, and that wells on surrounding properties will be adversely affected. One speaker stated that the amount of land clearing debris from construction of the outer loop would be far too great to require only 30 to 50 truckloads a day, and that the area's narrow roads cannot safely handle large trucks. Another speaker noted that the surrounding area also includes a day care center. Another stated that another landfill already exists within 3 miles of the site, near the intersection of Forestville Rd. and US 401. Another stated that realtors have told him the landfill would adversely affect surrounding property values. One speaker stated that the petition does not adequately address the proposed landfill's potential adverse impacts and should be considered incomplete.

Mr. Thomas stated that he would allow all those supporting the proposal a total of 5 minutes to rebut or otherwise react to testimony in opposition to the proposal, then do likewise for those opposing the proposal.

Mr. Little noted that the Cooke family has lived in the area for a long time and that the landfill would be only 150 feet behind their home. The floodplain along the site's boundary will buffer the landfill from the nearest other residences. Deposited material will mostly come from housing construction sites in the area; thus a landfill in the area will keep trucks off residential streets outside the area. The landfill will not handle construction debris. The River Falls development adjacent to the North Wake Landfill in north Raleigh shows that even sanitary landfills need not adversely impact the values of adjacent residential properties. Mr. Cooke added that the "landfill" near the Forestville Rd./US 401 intersection is not a landfill, but just a stump grinding facility. Mr. Little offered to meet with area residents to further explain what is proposed.

Opponents to the proposal reiterated their concerns about the proposed landfill's adverse impacts, especially on traffic conditions, noise, and property values. One speaker noted that the North Wake Landfill existed long before the River Falls development; thus prospective buyers knew of the landfill before deciding to buy there. Another speaker asked if any other site had been considered.

Mr. Thomas then closed the hearing and asked Mr. Mundt to present the staff recommendation.

Mr. Mundt stated that zoning administration staff recommend approval of the petition subject to the following conditions:

1. The petitioner must obtain the necessary approvals from the appropriate local, state, and federal agencies.
2. The petitioner must obtain driveway entrance approval from the North Carolina Department of Transportation.
3. The petitioner must record a notarized form pertaining to the Order of the Board in the Wake County Register of Deeds and return copy to Inspections/Development Plans/Permits Division.
4. A final zoning site inspection to verify site plan compliance must be performed before a Certificate of Compliance is issued by Wake County Inspections/Development Plans/Permits Division.

Mr. Mundt explained that the Zoning Ordinance only requires that staff send notice to owners of properties adjoining the site. He added that in this case, staff went further and sent notices to the owners of all properties within 1,000 feet of the site.

Mr. Thomas then invited Board members to discuss the petition and hearing evidence.

Mr. Yeorgan asked if it were appropriate for the Board to consider whether or not a turn lane into the site is needed. Mr. Mundt replied that if the Board is concerned about the proposal's traffic impacts, as they relate to one or more of the required conclusions, it is appropriate to discuss whether a turn lane is needed to address that concern, as well as to recommend that any approval be conditioned on the addition of such an improvement.

Mr. Campen stated that this type of landfill poses a dilemma, for the very growth and development that creates the need for such landfills also make it difficult to site them so as to avoid conflicts with the new development. He added that in this case, he is not satisfied that the proposed landfill site is suitable, due to unresolved doubts about the landfill's adverse impact on area traffic and the values of nearby residential properties, and its lack of harmony with what is a residential area.

Mr. Thompson stated that trucks from construction sites in the area are going somewhere

now to dispose of debris; the proposed landfill would at least keep that traffic local. He noted that he has lived near a landfill and had no problems with it. He added that this proposed type of landfill shouldn't smell any more than a timbering operation, pointing out that the proposed landfill was not a sanitary landfill with garbage. He noted that no subdivisions access the road on which the site fronts, and thus their residents would not have to drive by the site if they didn't want to. He concluded that the site may not be the best possible location for the proposed landfill, but it has to go somewhere, and the proposed site is as good as one can find now, with all the development going on.

Mr. Thompson then moved that the Planning Board conclude that the petition meets the requirements of Section 1-1-11 of the Zoning Ordinance and recommend that the Board of Commissioner approve the petition subject to the 4 conditions recommended by the staff plus the following additional condition:

5. That the landfill's hours of operation be limited to 8:00 am to 5:00 pm, Monday through Friday, unless the Director of Wake County's Community Services Department certifies that certain conditions require an extension of operating hours.

Mr. Mitchell seconded the motion. Mr. Perry stated that the landfill should be allowed to be open on Saturdays. Stephen Sizemore of the Planning Department reminded the Board that its recommendation should be based on findings of fact supported by hearing evidence, and asked if any Board members disposed to vote for the motion wished to state findings of fact in addition to those stated by Mr. Thompson just before making his motion. No one spoke. The motion passed, without further discussion, by a vote of 7-2, with Mr. Campen and Mr. Yeargan voting against it.

Mr. Mundt then reminded the audience that the Board of Commissioners would hold a hearing on the petition at its meeting on July 13, which will begin at 10:00 am in this same room.

**OA 98/5 Special Use Permit Authority and Process - Proposal to amend the Zoning Ordinance to transfer approval authority for those special uses currently approved by the Board of Commissioners to the Board of Adjustment, to require a waiting period for re-submittal of a Special Use Permit petition after it has been denied or withdrawn late in the review process, to revise the Special Use Permit review process to make it more flexible and easier to understand, to provide for necessary post-approval actions that ensure special uses are developed as intended, and to clarify which uses require a Special Use Permit and which procedures apply to their review.**

Mr. Sizemore presented the staff report and recommendation . Planning staff prepared the proposal in response to a directive from the Board of Commissioners that they consider whether the Zoning Ordinance should be amended to revise the current Special Use Permit review process and establish a waiting period before a denied Special Use Permit petition can be resubmitted. The proposed amendments would provide that all special uses - including those currently subject to review by the Planning Board and Board of Commissioners - be subject to review and approval by the Board of Adjustment. They would revise procedural regulations for Special Use Permit (SUP) petition review to make petition submittal requirements more flexible, provide that petitions not be accepted until complete, explicitly authorize staff review, remove arbitrary time limits for holding a hearing and making a decision, include quasi-judicial procedures and responsibilities (currently split between SUP regulations and Board of Adjustment regulations), rearrange the required conclusions to make them easier to understand, allow an opportunity for a petition to be revised in response to hearing comments, allow staff the flexibility to approve final development plans with minor changes from those approved as part of the SUP, define how long a SUP is valid and how it