



REQUEST FOR BOARD ACTION

ITEM NO. 16.

DATE OF MEETING: August 18, 2014

REQUESTED BY: Kyle M. Breuer, Director, Planning & Community Development

SHORT TITLE: Resolution to Approve a Special Use Permit (SUP) for the Construction and Operation of Infiltration Basins and Groundwater Management Systems to Disperse Effluent From An Off-Site Wastewater Treatment Facility.

BACKGROUND: Carolina Water Service, Inc. of NC, applicant and owner, is requesting approval of a Special Use Permit for the construction and operation of infiltration basins and groundwater management systems, including a pump station to disperse treated effluent being produced by an off-site wastewater treatment facility. The subject property is located approximately 1,600 feet southeast of US HWY 17, along the southwest side of Sloop Point Loop Road (SR 1563), Hampstead, NC and may be identified by Pender County PIN 4204-62-8798-0000. The property is zoned RP, Residential Performance, and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; Sewage Disposal Facilities (NAICS 221320) are permitted via Special Use Permit in the RP zoning district.

SPECIFIC ACTION REQUESTED: To Hold a Public Hearing and Consider the Approval of a Special Use Permit for a Sewage Disposal Facility.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

The Board hereby (approved, ~~modified, denied~~) a special use permit for a sewage disposal facility, as described herein. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED McCoy SECONDED Tate

APPROVED X DENIED _____ UNANIMOUS

YEA VOTES: Williams X McCoy X Brown X Tate X Ward _____

James David Williams 08/18/2014
Chairman

Bill Meyer 08/18/2014
ATTEST Date

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: August 18, 2014

Case Number: 11217

Applicant: Carolina Water Services, Inc. of NC

Property Owner: Same

Land Use Proposed: Carolina Water Services, Inc. of N.C., applicant and owner, is requesting approval of a Special Use Permit for the construction and operation of infiltration basins and groundwater management systems to disperse effluent from an off-site wastewater treatment facility.

Property Record Number and Location: The property is located at approximately 1,600 feet southeast of US HWY 17, along the southwest side of Sloop Point Loop Road (SR 1563), Hampstead, NC and may be identified by Pender County PIN 4204-62-8798-0000. There is one tract associated with this request totaling approximately 21.57 acres.

Zoning District of Property: The property is currently zoned RP, Residential Performance, and the use of Sewage Disposal Facility (NAICS 221320) is permitted as a Special Use within the RP zoning District.

Project Description:

Carolina Water Service, Inc. of NC, applicant and owner, is requesting approval of a Special Use Permit (SUP) for the construction and operation of infiltration basins and groundwater management systems to disperse effluent from an off-site wastewater treatment facility. Specifically, the site is being requested to accept the treated effluent produced by the Belvedere Wastewater Treatment Facility located off of Fairway Drive (SR 1699) within the Belvedere Plantation subdivision and golf course.

It is being proposed that the treated effluent will be conveyed through public and private rights-of-way to the proposed project site. The effluent will then be sprayed or dispersed throughout three (3) engineered high rate infiltration basins. These basins will allow for the effluent to be absorbed back in to the water table and discharged back into the natural drainage area located along the western portion of the tract. The 3 infiltration basins will have to initially be excavated to remove unsuitable material which will be replaced with a more porous material to allow for the percolation of the treated effluent. The excavated material will then be used to construct earthen berms which will border the 3 basins as well as provide for landscaped buffers along Sloop Point Loop Road. It is proposed that the infiltration basin berms will total five (5) feet in height, and be approximately thirty four (34) feet in width. The proposed basins and berms will be contained with a five (5) foot tall chain link fence along with a wax myrtle hedge along the exterior. The constructed berms adjacent to Sloop Point Loop Road will be approximately six (6) feet tall and contain pampas grass as well as the wax myrtle hedge.

All exterior property boundaries will have to comply with the Pender County UDO's prescribed landscaping and buffering requirements.

The location of the infiltration basins will be primarily situated around the identified 404 wetlands which are present on-site. Along the southern boundary of the property, a groundwater management trench drain will be constructed to convey groundwater to the western portion of the project boundary. The system will include a trench containing perforated piping within the underlying soils. According to the Applicant's narrative, the trench will affect the groundwater to a pump station for removal to the existing branch on the northwest side of the property (western property boundary). The removal of the present underlying groundwater in the vicinity of the proposed basins will improve infiltration efficiency and reduce any mounding that could develop. The groundwater removed in the this process if for the most part unregulated, requiring no notification or setback to its discharge.

State and Federal Permits Required:

- *NCDENR – Non Discharge*
- *NCDENR – Stormwater*
- *NCDENR – 401 Wetlands*
- *NCDENR – Soil and Erosion Control*
- *NCDOT – Driveway*
- *NCDOT – Encroachment*
- *USACOE – 404 Wetlands*

Access to the site is being proposed through a gated facility to be located directly off of Sloop Point Loop Road. NCDOT will require a Driveway Permit and should be aligned with any other access to Sloop Point Loop Road from adjacent sites. The site will require daily monitoring which will be conducted by Carolina Water Service, Inc. of NC staff. There are no habitable structures proposed to be located on-site.

The applicant has held several community meetings prior to submission of their Special Use Permit application; a copy of the summary of those meetings have been included in your packet.

Preliminary analysis of the property shows portions of the project may contain environmentally sensitive areas including wetlands. Any development within these areas will be subject to the permit requirements of Section 404 of the Clean Water Act. All wetlands must be delineated by the Army Corps of Engineers prior to development.

According to the 2007 Flood Insurance Rate Maps (FIRMs), the site does not contain areas of regulated Special Flood Hazard Areas (SFHAs).

Summary of Exhibits:

- 1) *Narrative*
- 2) *Site Plan*
- 3) *Site Plan – Color*
- 4) *Site Plan – Showing relation of project site to Belvedere Wastewater Treatment Facility*
- 5) *Site Plan – Showing relation of project site to Belvedere Wastewater Treatment Facility (w/aerial)*
- 6) *Driveway Entrance Rendering*
- 7) *Community Meetings Summaries*

EVALUATION:

- A) **Public Notifications:** Public Notice of the proposal for Special Use Permit has been advertised in the Pender-Topsail Post and Voice. Adjacent property owners have been given written notice of the request, as well as a sign placed near the subject property.
- B) **Basis for Granting SUP:** See Attachment A for approval procedures (§3.12.3 G of the Pender County Unified Development Ordinance) and revocation, expiration and revision procedures (§3.12.4.B, C, and H of the Pender County Unified Development Ordinance (UDO)).
- C) **Unified Development Ordinance Compliance:** The property is currently zoned RP, Residential Performance, and according to the Pender County Unified Development Ordinance, § 5.2.3, Table of Permitted Uses; a Sewage Treatment Facility (NAICS 221320) is permitted via Special Use Permit in this district.
- D) **2010 Comprehensive Land Use Plan Compliance:** This property is located within the Mixed Use Land Use Classification. The Mixed Use land use classification designates locations where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high- and medium-density residential uses, arranged in a walkable, compact, pedestrian and transit friendly manner. Excerpts from the 2010 Pender County Comprehensive Plan:
- a. Growth Management – Policy 1A.1.5: The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.

There does not appear to be any conflicting goals or policies within the Comprehensive Plan as it relates to this request.

- E) **Existing Land Use in Area:** The project site is bounded to the north and northeast by commercial or other non-residential uses along Sloop Point Loop Road. To the east, south, and west by vacant, undeveloped land, and to the northwest by single-family residential uses.
- F) **Site Access Conditions:** The property has access directly onto Sloop Point Loop Road (SR 1563).
- G) **Conditions To Approval of Petition:**
1. Uses on-site shall be limited to those outlined within this report.
 2. No junk, debris trash or inoperable vehicles, recycled or salvaged materials shall be stored on the site outside a completely enclosed building.
 3. No project activity shall commence on the site including clearing and grading until a Final Zoning Permit has been issued.
 4. All activities undertaken associated with the project must follow federal, State, and local standards, regulations, ordinances, permits, statutes, and/or laws.
 5. Access to the facility shall be directly aligned with any existing driveways along Sloop Point Loop Road (SR 1563).

Attachment A

3.12.1 Procedures for Reviewing Applications

- G. The Board of Commissioners shall approve, modify, or deny the application for a Special Use Permit. In approving a Special Use Permit, the Board of Commissioners, with due regard to the nature and state of all adjacent structures and uses in the district within same is located, shall make written findings that the following are fulfilled:
- 1) The use requested is listed among the special uses in the district for which application is made, or is similar in character to those listed in that district;
 - 2) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property;
 - 3) The proposed use shall not constitute a nuisance or hazard;
 - 4) The requested use will be in conformity with the Pender County Land Use Plan and other official plans or policies adopted by the Board of County Commissioners;
 - 5) Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
 - 6) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public roads;
 - 7) That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and
 - 8) The proposed use shall not adversely affect surrounding uses and shall be placed on a lot of sufficient size to satisfy the space requirements of said use.

3.12.4 General Provisions Concerning Special Use Permits

- B. Revocation - In any case where the Special Use Permit or the conditions of a Special Use Permit have not been or are not being complied with, the Administrator may initiate a notice of violation for the provisions of this Ordinance and the conditions of the Special Use Permit not in compliance or the Administrator, may initiate notice of a public hearing to consider revocation of the permit by the Board of Commissioners or both actions may be initiated. Procedures for notice of such hearing shall be the same as procedures for consideration of an initial application for a Special Use Permit and the permittee shall be notified. After a public hearing has been held, the Board of Commissioners may revoke the Special Use Permit upon finding any of the following:
- 1) That the approval was obtained by fraud.
 - 2) That the use for which such approval was granted is not being executed.
 - 3) That the use for which such approval was granted has ceased to exist or has been suspended for one year.
 - 4) That the permit granted is being, or recently has been exercised contrary to the terms or conditions of such approval.
 - 5) That the permit granted is in violation of an Ordinance or Statute.
 - 6) That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

- C. Expiration - Unless a request for additional time is granted or approved otherwise as a condition of the permit, a Special Use Permit shall expire and become void if final Zoning Approval has not been issued for the project within 24 months after the Notice of Approval of the Special Use Permit has been served on the applicant. The Administrator may provide one extension of the expiration date by no more than 6 months, for complex projects requiring major state or federal permits, upon receipt of a written request for such extension by the applicant detailing the reasons for delay in completion of the requirements for the Zoning Approval.
- H. Revisions - Major revisions to a Special Use Permit must be submitted to the Board of Commissioners. All legal notice and application fee requirements must be met for major revisions. Revisions that are considered minor revisions to an approved Special Use Permit may be reviewed and approved by the Administrator after basic submission requirements have been completed. All revisions approved by the Administrator must meet the original conditions of the permit as approved by the County Commissioners and current provisions of the Zoning Ordinance. The addition of an accessory structure less than 1000 sq. ft., addition of parking or other ancillary facilities or uses or the addition of similar product lines are examples of revisions that may be considered minor revisions.