

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 31.

Date of Request: June 25, 2007

Date Request Received: June 25, 2007

Board Meeting: July 9, 2007

Board Meeting Date Assigned: July 9, 2007

Date Requested:

Date Assigned:

Short Title: Approval Of A Special Use Permit For A Wastewater Treatment Plant.

Request Status:

- Request is proceeding to Board of Commissioners
- More information is needed – see attached
- Request on hold – no further information needed
- Other:

Background: Stroud Engineering, PA, applicant, is requesting a special use permit to construct and operate a wastewater treatment plant on the property located at the corner of Southwest Center Drive and Washington Acres Road for The Land Company of Pender LLC, owner. The plant will provide wastewater service to a future residential development on the surrounding 89.71 acres of land, which is currently zoned R-20C, Residential Conventional Housing District. The developer anticipates 120 single family lots for the development.

(Administrative Use Only)

CONTRACT TYPE

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
 - Federal Grantor
 - State Grantor
 - Grantor
- County as Grantor
 - County Funds
 - Other Funds:
- Revision
- For Equipment

Specific Action Requested: The Board of Commissioners is requested to approve a special use permit for a wastewater treatment plant.

PURCHASING

Budgeted Item: Yes No

- Date Rec'd: Reviewed and Approved
- Comments on Reverse

Requested by: Planning Staff
Department: Planning Department
Title: Planning
Contact Phone: 910.259.1202
Contact Fax: 910.259.3735

Date Sent:

Signed:

ATTORNEY

- Date Rec'd: Reviewed and Approved
- Legal Problem(s)
- Comments on Reverse

Date Sent:

Signed:

FINANCE

- Date Rec'd: Sufficient Funds
- Budget Amendment Necessary
- Budgeted Amendment is Attached
- Comments on Reverse
- Available
- Not Available

Date Sent:

Signed:

CLERK

- Signature(s) Required:
 - Board Chairman/County Manager
 - Other:

Date Rec'd Approved by Board: Yes No
At meeting on

Special Use Permit for Wastewater Treatment Plant

SUBJECT: CASE NO: 07-06-18-23
PROPERTY RECORD NO: 3282-71-2892-0000
APPLICANT: Stroud Engineering, P.A.
OWNER: The Land Company of Pender LLC

ACTION REQUESTED: Approval of a Special Use Permit for a wastewater treatment plant.

HISTORY/BACKGROUND:

Project Location: Corner of Southwest Center Dr. and Washington Acres Rd. in Hampstead, NC.

Project Description: The applicant is requesting a special use permit to construct and operate a wastewater treatment plant on the property located at the corner of Southwest Center Drive and Washington Acres Road. The plant will provide wastewater service to a future residential development on the surrounding 89.71 acres of land, which is currently zoned R-20C, Residential Conventional Housing District. The developer anticipates 120 single family lots for the development.

The facility will be located on approximately 10.21 acres of the 89.71 acre property. It will consist of a treatment plant, designated infiltration basin, and a ground water lowering system outfall. The proposed facility will have capacity of 100,000 GPD (gallons per day).

Activities onsite will include the continuous receipt and processing of wastewater as well as monitoring, cleaning, sampling, and maintenance as necessary. Operations personnel will be onsite as required for such systems. All operations will be regulated by the appropriate agencies.

Construction activities onsite will include clearing, grading, concrete work and installation of the facility and necessary equipment, installation of necessary mechanical and electrical equipment, and installation of buffers and landscaping consistent with the Pender County Zoning Ordinance.

In addition to a commercial site plan review by county planning staff, all applicable local, state, and federal permits must be obtained prior to operation of the facility.

EVALUATION:

- A) Public Notifications:** Advertisements for the proposal have been placed in the Topsail Voice and Pender Post. Adjacent property owners were notified by first class mail. (See certification attached)
- B) Basis for Granting SUP:** See attachment A for approval procedures (15.3 of Zoning Ord.) and revocation procedures (15.4b of Zoning Ord.).
- C) Zoning Ordinance Compliance:** This property is zoned R-20C, Residential Conventional Housing District and a wastewater treatment plant is permitted via a special use permit.
- D) 2005 Land Use Plan Compliance:** The project area is classified as an Urban Growth Area, and Conservation II Area overlay. The project is consistent with the 2005 Land Use Plan.
- E) Existing Land Use In Area:** The surrounding property is primarily vacant with single family dwellings to the northeast for the proposed tract.
- F) Site Access Conditions:** The project site will be accessed from the Washington Acres Rd.
- G) Conditions To Consider In Issuing A Special Use Permit For This Project:**
 - 1. No junk, debris trash or inoperable vehicles, recycled or salvaged materials shall be stored on the site outside a completely enclosed building.
 - 2. No project activity shall commence on the site including clearing and grading until a Final Zoning Permit has been issued.
 - 3. No permanent personnel occupancy on-site will be allowed.

4. All operations must follow federal, state, and local standards, regulations, ordinances, permits, statutes, and/or laws.
5. The project must have commercial site plan review for a zoning permit.
6. Type C buffer requirements must be met with either existing vegetative cover or landscaping if existing vegetative cover is insufficient.
7. The project shall be developed in accord with the provisions of the Pender County Zoning Ordinance and the applicant's final revised site plan as approved by the Zoning Administrator and the conditions contained in this permit.
8. Any physical relocation and/or improvements after completion the original wastewater treatment plant will require a Special Use Permit.
9. Any violations of the conditions of this permit, confirmed by the Zoning Administrator shall result in this permit becoming void, if not corrected within 30 days of receipt of the notice of violation with a scheduling of a public hearing with the Board of Commissioners at the next available meeting the 31st day of receipt of the notice of violation for a revocation.
10. The obligations imposed by this permit will be the responsibility of the property owner and operator and shall continue in affect until all conditions of this permit and other permits have been complied with and the Pender County Planning Department has made a final inspection of the site and provided a written certification that the site is in compliance.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on July 9, 2007 the Pender County Board of Commissioners (approved, modified, denied) a special use permit for the operation of a wastewater treatment plant for Stroud Engineering, P.A. as described herein, and F.D. Rivenbark, Chairman to the Board, is authorized to execute the order implementing this resolution and provide notice to the applicant of the action taken herein.

AMENDMENTS:

MOVED _____ **SECONDED** _____

APPROVED _____ **DENIED** _____ **UNANIMOUS** _____

YEA VOTES: Rivenbark _____ Blanchard _____ Brown _____ Tate _____ Williams _____

F.D. Rivenbark,
Chairman 7-9-07
Date

ATTEST 7-9-07
Date

**PENDER COUNTY
SPECIAL USE PERMIT APPLICATION FORM**

THIS SECTION FOR OFFICE USE			
Application No.	07-07-16-23	Date	6/15/07
Permit Fee	\$1050.00	Receipt No.	072152

APPLICANT INFORMATION	
Applicant Name: <u>Stroud Engineering, P.A.</u>	Owner Name: <u>The Land Company of Pender, LLC.</u>
Address: <u>102-D Cinema Dr.</u> <u>Wilmington, NC 28403</u>	Address: <u>PO Box 1069 Hampstead, NC</u> <u>28443</u>
Phone No: <u>(910) 815-0775</u>	Phone No: <u>(910)-270-2242</u>
Legal relationship of applicant to owner: <u>Agent</u>	

PROJECT INFORMATION	
Property tax record No. <u>3282-71-2892-0000</u>	Total acreage
Zoning Designation: <u>R-20C</u>	In property: <u>89.71 Acres</u>
Acreage to be used for project: <u>10.21 Acres</u>	Acreage to be disturbed: <u>10.21 Acres</u>
Project location and address: <u>Corner of Center Dr. and Washington Acres Rd. Hampstead, NC</u>	
Describe activities to be undertaken on project site: <u>Waste Water Treatment Plant Proposal.</u>	

SIGNATURES			
Applicant: <u>Luke Menius, Stroud Engineering</u>	Date: <u>6/13/07</u>	Owner: <u>J.W. Fussell</u> <u>The Land Company of Pender</u>	Date: <u>6/13/07</u>

NOTICE TO APPLICANT
<ol style="list-style-type: none"> 1. Applicant must also submit the information described on page two of this form. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Commissioners or other authorized person agrees to table or delay the hearing. 4. Applicant may wish to review the required findings for approval of a Special Use Permit (p. 3).

Project Summary

The Land Company of Pender, LLC is proposing to construct a residential development on approximately 89.71 acres of land located just south of Hampstead, NC on the corner of SW Center Drive and Washing Acres Road. Proposed access is provided by private roads. The site is afforded public water and is to be sewered by a proposed wastewater treatment facility. The Land Company of Pender, LLC is seeking a Special Use Permit to enable the construction of this facility.

Site Description

The topography of the site varies, with slopes ranging from 0% to 5% on upland sections and slopes from 5% to 10% around wetlands. The site is presently wooded. There are a number of isolated wetlands on the site, as well as a portion of a larger wetland on the eastern boundary. The entire site drains to Mill Creek. It straddles a ridge such that drains to the west into the aforementioned wetland and to the south, across Center Drive and into Mill Creek.

Permits Required

The Land Company of Pender, LLC will solicit permits for the treatment facility and associated infrastructure, water lines, stormwater management, and erosion control from North Carolina Department of Environment and Natural Resources. Proposed driveways onto Washington Acres Road and SW Center Drive will require North Carolina Department of Transportation approval. A Jurisdictional Determination will be obtained from the United States Army Corps of Engineers.

Adjoining Property

Adjoining property is primarily undeveloped R-20 C. The property to the west is currently being developed as phase 1 of Graystone. Phase 1 will be sewered by individual septic systems. A few existing residences fronting on Center Dr. adjoin the property.

Soils

Soils in the project area are mapped in the Pender County Soil Survey as Autryville Fine Sand, Leon fine sand, Murville muck, and Muckalee Loam. Autryville Fine Sand is characterized as a well drained soil with rapid infiltration and slow surface runoff. Leon fine sand is characterized as a poorly drained soil with rapid infiltration and slow surface runoff. Murville muck and Muckalee Loam are characterized as a very poorly drained soil with medium infiltration and slow surface runoff. The locations of these soils has been given due consideration in the siting of the treatment facility.

Potential Impacts

The environmental benefits of the treatment facility include a net improvement of groundwater quality when compared to a large number of individual septic systems. Adjacent high quality surface waters will be protected through utilization of the sophisticated treatment process proposed and required to permit the facility with NCDENR. The increased value of homes due to a community wastewater treatment system will ultimately have a positive impact on adjacent properties as the area becomes more desirable.

Supporting Information-Required Findings

A. *The use is listed among special uses in the district for which application is made; or is similar in character to those listed in that district.*

Wastewater treatment facilities are allowed in R-20 C zones by Special Use per the Pender County Zoning Ordinance.

B. *The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, morals, or welfare of the community or of the immediate neighbors of the property;*

The requested use will enable the development of the subject property in a manner which is consistent with adjacent uses while minimizing the impacts of said development in an environmentally and economically valuable portion of the county.

C. *The proposed use shall not constitute a nuisance or hazard.*

Measures will be taken to reduce or eliminate sights, sounds, and odors which can accompany wastewater treatment facilities. The use of catalytic air scrubbers effectively neutralizes odors. Noisy mechanical equipment will be placed inside a building to eliminate the sound and prolong the life of the components. The treatment facility will be installed such that no more than 2' of the tanks are visible above grade. These measures, paired with setbacks and vegetative screening will mitigate nuisances commonly associated with such facilities. Fencing will be installed around the facility to prevent unauthorized entry.

D. *The requested use will be in conformity with the land use plan;*

The requested use will enable the development of the subject property in a manner which is consistent with the Pender County Land Use Plan. The subject property is identified as an urban growth area.

E. *Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;*

Proposed improvements, in addition to a community wastewater system, include extension of adjacent public waterlines, a stormwater collection system with ponds for flood and pollution control, and recreational areas.

F. *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; and*

Driveway connectivity to Washington Acres Road and SW Center Drive will be provided at existing deeded locations. Existing adjacent roads display adequate connectivity, offering multiple routes for ingress and egress onto US 17 and to surrounding neighborhoods. Roadways internal to the property are proposed as private and will be built to NCDOT specifications.

G. *That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located;*

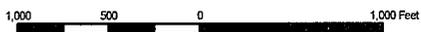
Proposed improvements associated with the treatment facility will be compliant with all local, state, and federal regulations.

H. *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.*

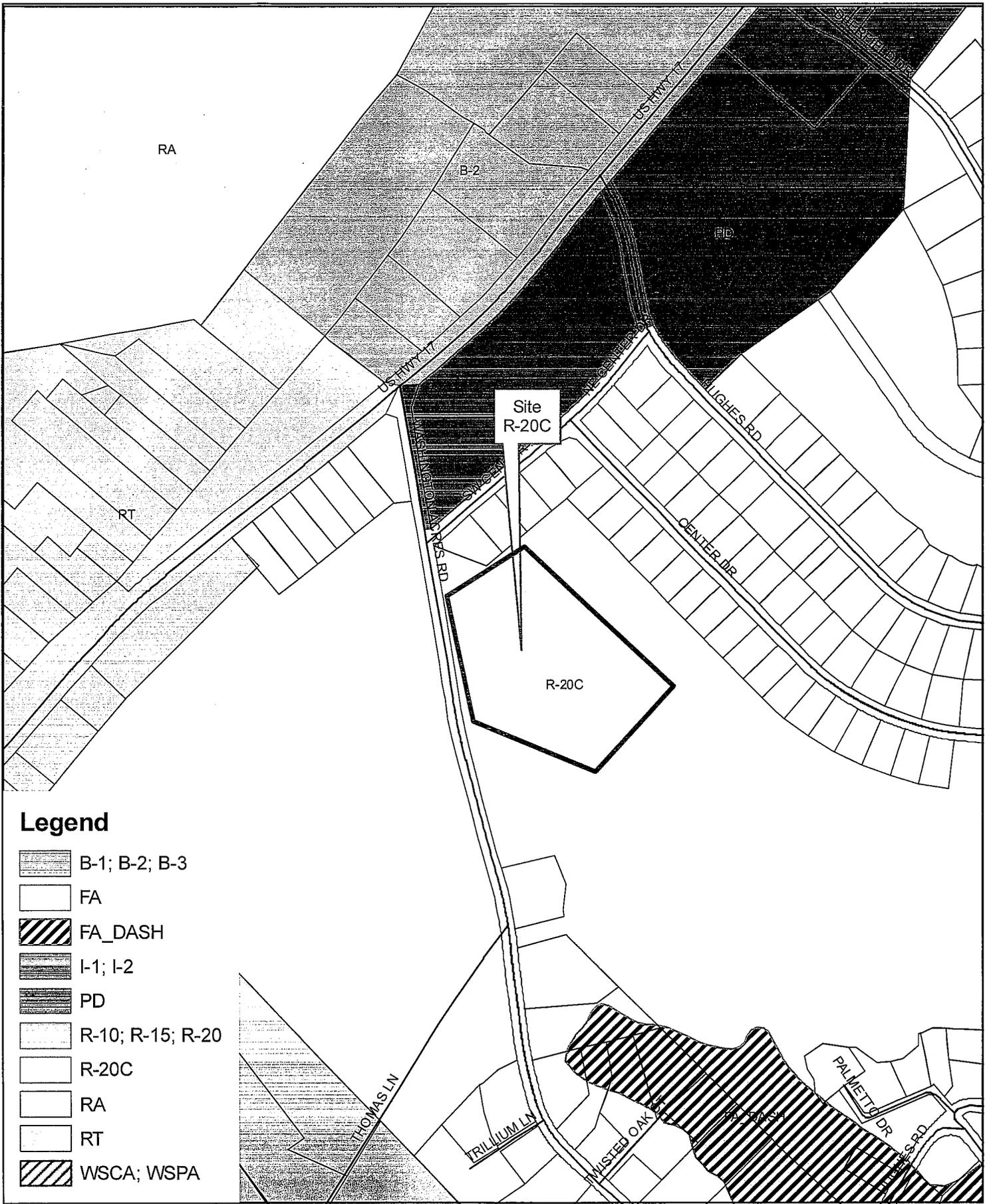
Due consideration has been given to soil characteristics, topography, and proximity to adjacent properties in determining the size and location of the site. State guidelines created to minimize impacts to adjacent properties and public health will be adhered to.



1 inch equals 1,000 feet



Stroud Engineering WWTP SUP
Vicinity



Legend

-  B-1; B-2; B-3
-  FA
-  FA_DASH
-  I-1; I-2
-  PD
-  R-10; R-15; R-20
-  R-20C
-  RA
-  RT
-  WSCA; WSPA

1 inch equals 500 feet
 500 250 0 500 Feet

Stroud Engineering WWTP SUP
 Zoning Map



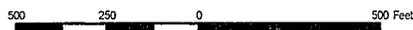
Site
Urban Growth Area
Conservation Area II

Legend

-  Conservation Area I
-  Conservation Area II
-  Rural Clusters
-  Transition Areas
-  Urban Growth Areas
-  Rural Areas



1 inch equals 500 feet



Stroud Engineering WWTP SUP
Land Use



1 inch equals 500 feet

500 250 0 500 Feet

Stroud Engineering WWTP SUP

Orthos (2003)

