

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 15.

Date of Request: June 2, 2008

Date Request Received:

Board Meeting Date Requested: June 16, 2008

Board Meeting Date Assigned: June 16, 2008

Short Title: Special Use Permit- Duplin Land Development, Inc., Applicant, On Behalf Of Pender Properties, LLC, Owner, Is Requesting A Special Use Permit For The Operation Of 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: The site consists of 12.2 acres and is zoned PD, Planned Development District. The proposed development will consist of the building and operation of a wastewater treatment plant on the site of an approved master planned community, located on approximately 362 Acres.

(Administrative Use Only)

Specific Action Requested: The Board of Commissioners is requested to hear a Special Use Permit for wastewater treatment plat. The property is zoned PD, Planned Development District. The property is located off Blueberry Road approximately one mile (1) west of the intersection of US Highway 421.

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

Requested by: Planning Staff
Department: Planning Department
Title: Planning
Contact Phone: 910.259.1202
Contact Fax: 910.259.1295

PURCHASING Budgeted Item: Yes No
Date Rec'd: Reviewed and Approved
 Comments on Reverse

Date Sent:

Signed:

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

Date Sent:

Signed:

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

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: 08-06-16-12
PROPERTY RECORD NO: 2284-24-1345-0000
APPLICANT: Duplin Land Development, Inc.
OWNER: Pender Properties, LLC

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

HISTORY/BACKGROUND:

Project Location: The project is located approximately 1 mile west of US Highway 421, off of Blueberry Road, within the Moore's Landing Community.

Project Description: The applicant is requesting a special use permit to construct and operate a wastewater treatment plant on the property located within the Moore's Landing subdivision. The plant will provide wastewater service to a planned residential development on the surrounding ± 362 acres of land, which is currently zoned PD, Planned Development District. The developer anticipates about 400-500 single-family residential homes. A Planned Development master plan approval was obtained by the Pender County Planning Board on April 7, 2008.

The facility will be located on approximately 12.2 acres along the eastern border of the project. It will consist of a treatment plant and collection system throughout the development for 750,000 gallons per day (GPD). The facility will provide tertiary treatment of the wastewater which will then be used for recharge of the infiltration basins within the community and irrigation of the amenity area, and common, upland open space within the community. The site has been designed to include the wastewater treatment facility, a 3.75 million gallon storage pond, and operations building.

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.

The installation of appropriate buffers and landscaping will be consistent with Pender County's Zoning Ordinance and commercial project review.

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.
- 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 PD, Planned Development 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 Rural Area; the overall density standards for this project are consistent with the 2005 CAMA Land Use Plan.
- E) Existing Land Use In Area:** To the east of the property is a 130' abandoned railroad right of way, to the north is a vacant ± 13 acre tract, all other surrounding land will be developed according to the approved master plan.

F) *Site Access Conditions:* Access to the wastewater treatment plant will be internal to the subdivision using the private roads. Access from the community will be gated, and trips produced from the plant will be limited to less than five per day.

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 of 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 June 16, 2008 the Pender County Board of Commissioners (approved, modified, denied) a special use permit for the operation of a wastewater treatment plant for Duplin Land Development, Inc. as described herein, and James David Williams, Jr., 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: Williams ____ Tate ____ Blanchard ____ Brown ____ Rivenbark ____

James David Williams, Jr.,
Chairman

06/16/2008
Date

ATTEST

06/16/2008
Date

Project Narrative

WWTP at Moores Landing

- **Project Location**

The WWTP is located within the recently approved Moores Landing Planned Development as reflected on the master plan submission. The project entrance is located approximately 1.1 miles south of the intersection of Blueberry Road and US 421. Access to the WWTP will be internal to the subdivision using the private roads. The closest external dwelling to the project is over 2,000 feet away. There will be internal lots as close as 600 feet to the WWTP. The entry to the WWTP site from the master planned community will be gated. Approximately half of the WWTP project area is surrounded by PD zoning. The remainder to the north and west is zoned RA.

- **Site Activities**

The WWTP site will include a 0.75 MGD wastewater treatment facility, a 3.75 MG storage pond, and operations building. The WWTP will have daily monitoring by a certified plant operator. The WWTP operates 24 hours per day, 7 days a week based upon daily inflow from the development.

- **Permits Required**

In addition to the County SUP for the WWTP, the following additional permits will be obtained:

1. Wastewater Collection and Treatment Permit for the project from NCDENR
2. Erosion Control and Stormwater Permit from NCDENR
3. Wetland Delineation from USACOE
4. Commercial Site Plan review by Pender County
5. The Wastewater Plant and associated infrastructure will be conveyed to a licensed utility regulated by the State Utilities Commission
6. Driveway permits from NCDOT

- **Consideration of Potential Impacts**

The waste water treatment facility will have no impact to existing surrounding uses. The plant itself will generate less than 5 vehicle trips per day. The blowers for the aeration chambers will be located in an enclosed shelter to minimize noise. All area lighting will be full cutoff fixtures to insure downward projection minimizing visual impact to night skies. The wastewater will be treated to a reclaimed standard prior to discharge into wet infiltration ponds referenced within the approved master plan submission. The use of a central treatment plant on-site as proposed encourages groundwater recharge. For adjoining properties, and future home owners in the master planned community, the treatment of wastewater to a reclaimed water standard provides substantially greater water quality than several hundred individual septic tanks or the use of a less advanced treatment technique within a central system.

Support Information-Required Findings WWTP at Moores Landing

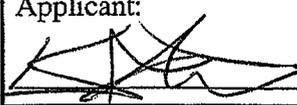
- A. The proposed WWTP facility is an acceptable special use within the PD District.
- B. The location of the proposed WWTP facility will not impair the integrity or character of the surrounding districts. The State requires that the treated wastewater meet the groundwater standard within 100 feet of any of the wet infiltration ponds within the project. The proposed technology is currently in use through out the coastal region and is a far superior approach to surface water discharge.
- C. The facility will be gated and fenced to prevent unauthorized entry. Light, Noise and Odor pollution will be minimized with appropriate technology. A Type "C" buffer will be utilized around the perimeter and where existing vegetation occurs within this buffer, it will be left undisturbed. The proposed use will not constitute a nuisance or hazard.
- D. The proposed use will enable the overall project to be developed in conformance with the general density outlined within the land use plan. The recent approved PD master plan provides ample open space with limited density described within the land use plan.
- E. The WWTP project has adequate utilities, access, drainage, sanitation, and other facilities to operate successfully meeting and exceeding applicable State regulations.
- F. Adequate measures will be taken to provide proper ingress and egress to the WWTP facility. The site will generate no measurable impact to existing secondary roads.
- G. The proposed WWTP facility will comply with all local, State, and Federal regulations.
- H. Adequate area has been provided to construct the WWTP facility as proposed. The facility is designed and will be permitted to minimize impacts to adjacent properties, meeting and exceeding accepted public health standards.

**PENDER COUNTY
SPECIAL USE PERMIT APPLICATION FORM**

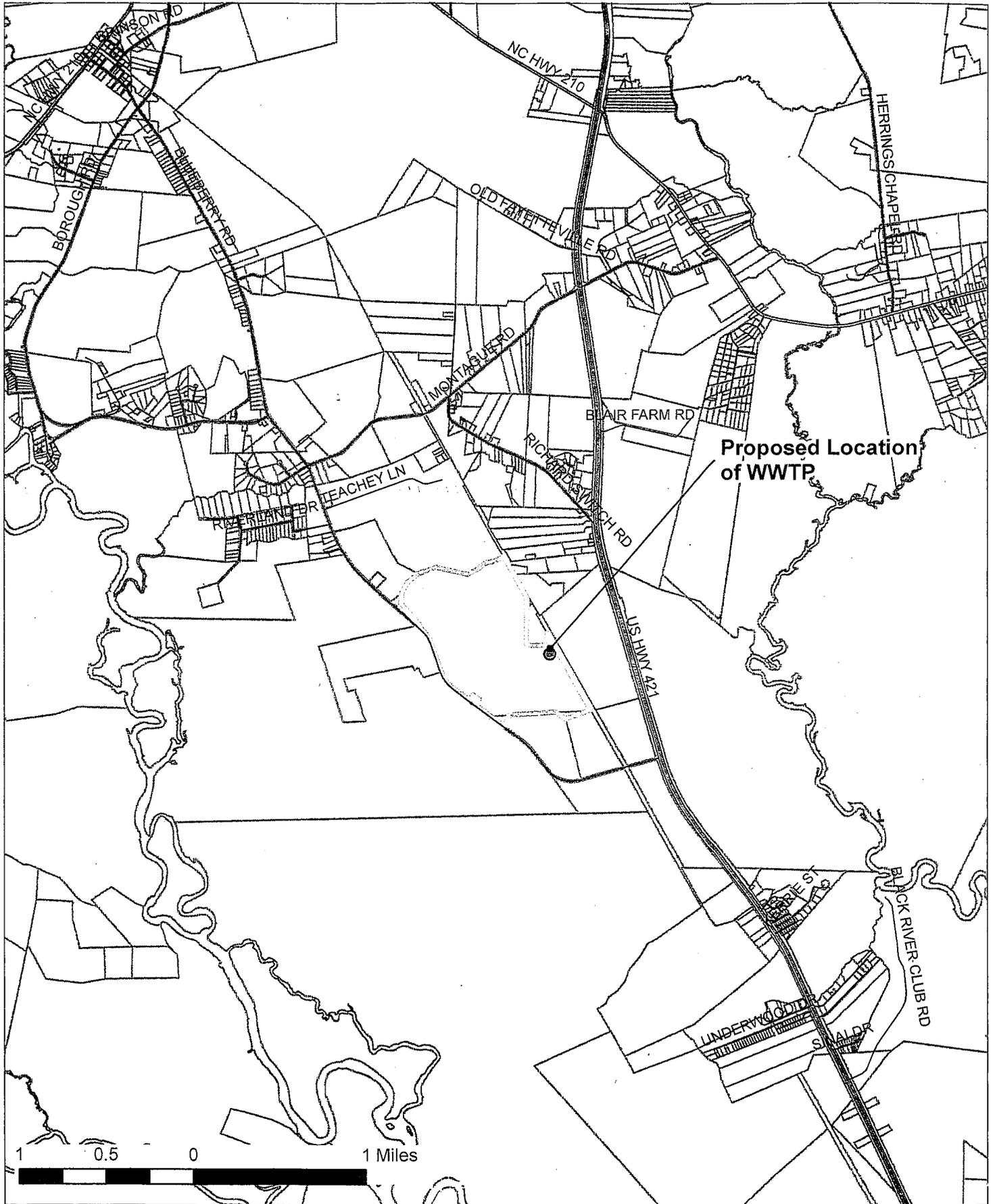
THIS SECTION FOR OFFICE USE			
Application No.	08-06-16-12	Date	05-02-2008
Permit Fee	\$ 272.00	Receipt No.	081875

APPLICANT INFORMATION	
Applicant Name <u>Duplin Land Development, Inc.</u>	Owner Name <u>Pender Properties, LLC</u>
Address: <u>110 River Village Place</u>	Address: <u>PO Box 1139</u>
<u>Wallace, NC 28466</u>	<u>Wallace, NC 28466</u>
Phone No: <u>(888) 285-4171</u>	Phone No: <u>(910) 285-1349</u>
Legal relationship of applicant to owner: <u>Applicant will be purchasing property from Owner</u>	

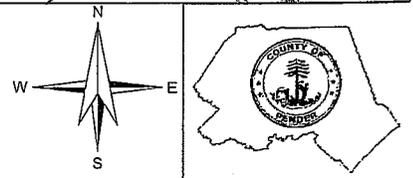
PROJECT INFORMATION	
Property tax record No. <u>2284-24-1345</u>	Total acreage
Zoning Designation: <u>PD</u>	In property: <u>362 acres in overall approved PD</u>
Acreage to be used for project: <u>12.2 acres</u>	Acreage to be disturbed: 12.2 <u>11.7</u> acres
Project location and address: <u>(SR 1114), Blueberry Road (+/- 1.1 miles west of intersection with US 421)</u>	
Describe activities to be undertaken on project site: <u>Waste Water Treatment Plant and Storage Pond</u>	

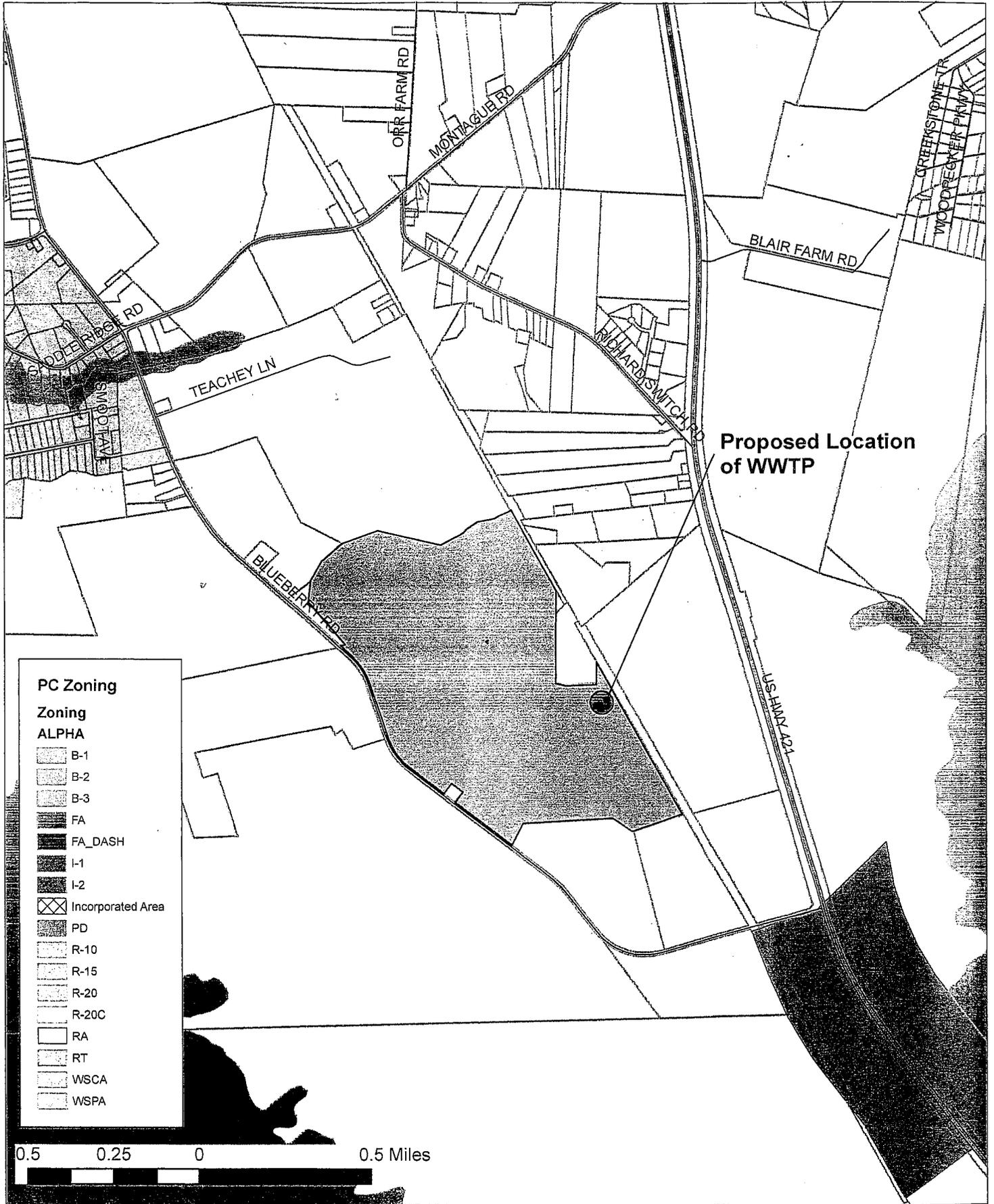
SIGNATURES			
Applicant:	Date:	Owner:	Date:
	<u>4/30/08</u>		<u>4/30/08</u>

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).

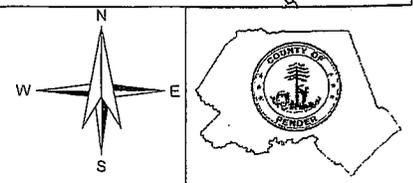


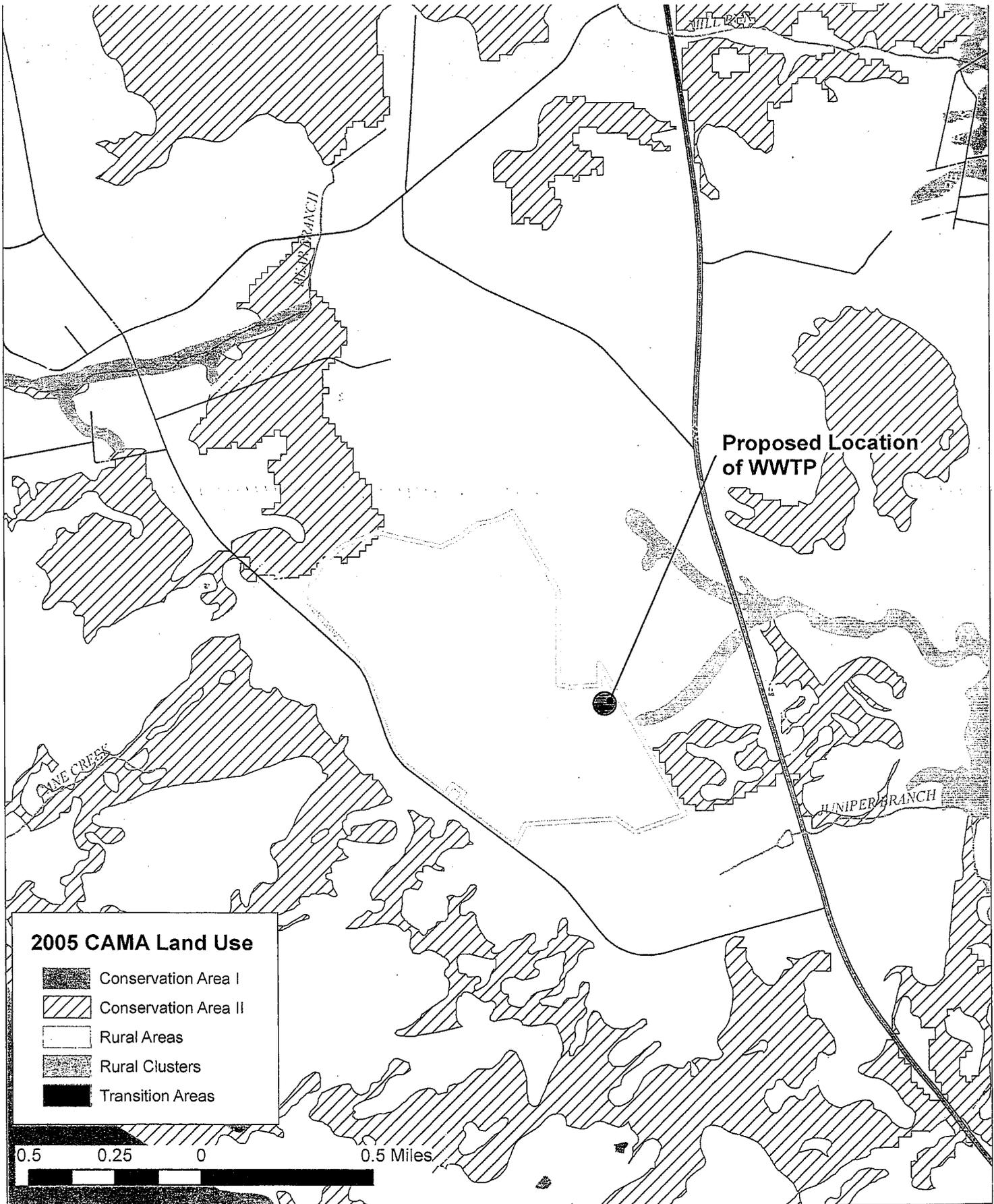
PENDER COUNTY PLANNING & COMMUNITY DEVELOPMENT
S.U.P. / WASTE WATER TREATMENT PLANT
DUPLIN LAND DEVELOPMENT, INC.
VICINITY MAP





PENDER COUNTY PLANNING & COMMUNITY DEVELOPMENT
S.U.P. / WASTE WATER TREATMENT PLANT
DUPLIN LAND DEVELOPMENT, INC.
ZONING MAP

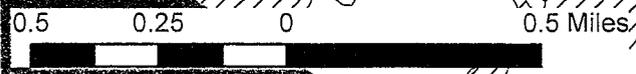




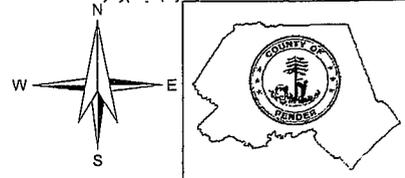
Proposed Location
of WWTP

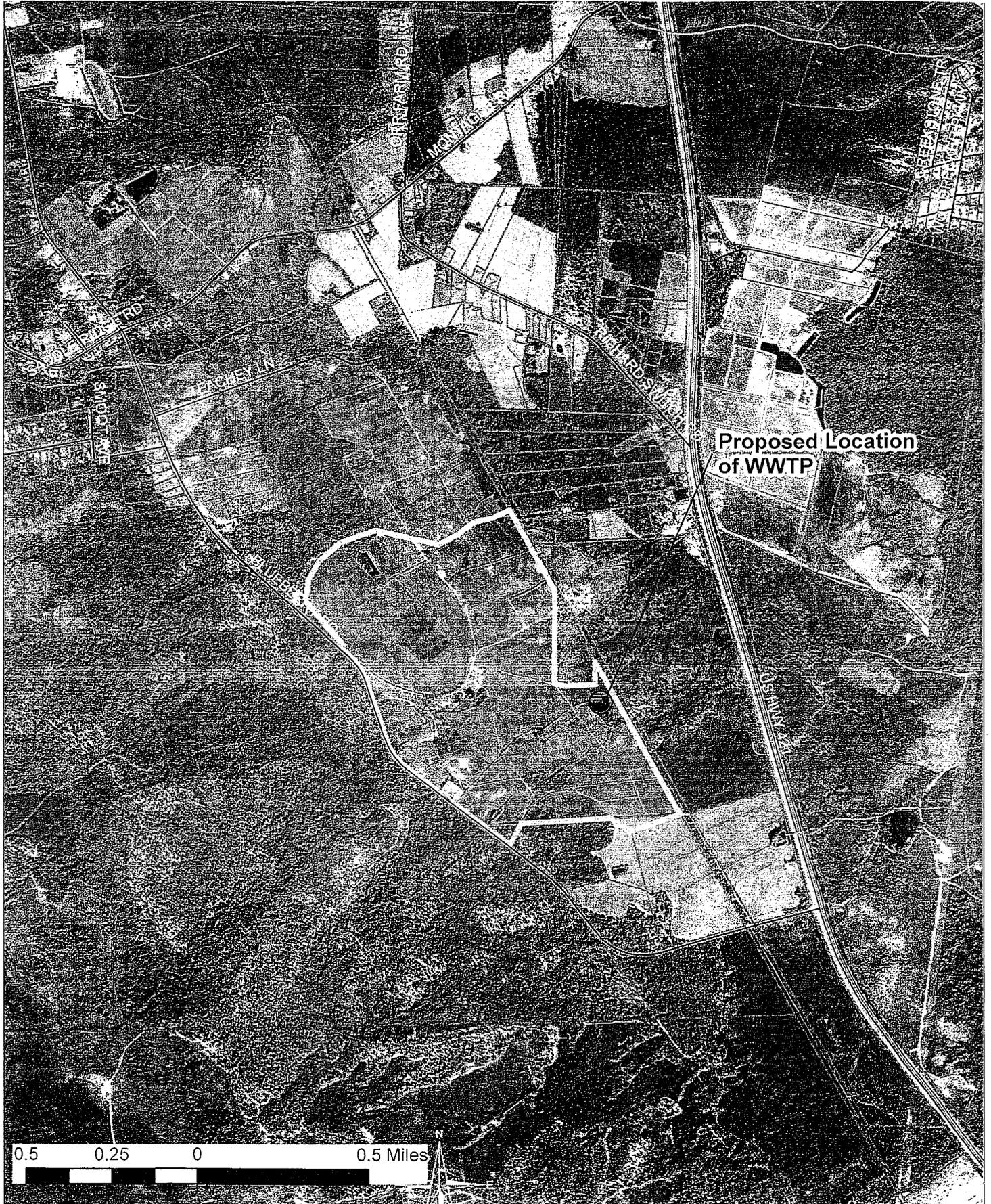
2005 CAMA Land Use

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



PENDER COUNTY PLANNING & COMMUNITY DEVELOPMENT
S.U.P. / WASTE WATER TREATMENT PLANT
DUPLIN LAND DEVELOPMENT, INC.
CAMA LAND USE





*PENDER COUNTY PLANNING & COMMUNITY DEVELOPMENT
S.U.P. / WASTE WATER TREATMENT PLANT
DUPLIN LAND DEVELOPMENT, INC.
AERIAL MAP*

