REQUEST FOR BOARD ACTION

ITEM NO. 16.

DATE OF REQUEST: January 7, 2009

REQUESTED BY: Planning Staff

SHORT TITLE: Resolution approving a Special Use Permit for the construction of a wastewater treatment facility

BACKGROUND: The applicant is requesting approval of a Special Use Permit for the operation of a wastewater treatment facility located on 184 acres intended for future development.

SPECIFIC ACTION REQUESTED: Approve a Special Use Permit for the operation of a wastewater treatment facility.

ITEM NO: _____

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: January 21, 2009
Case Number: 09-01-21-02
Applicant: Stroud Engineering, P.A.
Property Owner: Prometheus Properties

Land Use Proposed: The applicant is proposing the construction of a wastewater treatment facility.

Property Record Number and Location: The property is identified by record number 3235-19-0385-0000 and is located south of Ashton Road and west of Fords Lane, Rocky Point, N.C.

Zoning District of Property: The property is zoned RA, Rural Agricultural District, and Wastewater Treatment Facilities are permitted via Special Use Permit.

PROJECT DESCRIPTION:

The applicant is requesting a special use permit to construct and operate a wastewater treatment plant on a 184 acre tract of land. The plant will provide wastewater service to accommodate future growth in the surrounding and immediate area.

The facility will be located near the center of the tract. The project will consist of a 500,000 gallon per day treatment plant, a 2.5 million gallon, 5-day upset pond, and two (2) 6.7 acre infiltration basins. The proposed waste water disposal method will have a state classification as a High Rate Infiltration System. The facility will treat the water to a quality exceeding that required for consideration as clean groundwater

All mechanical equipment associated with the operation of a waste water treatment plant will be located within an enclosed building to minimize any noise associated with this project; also, catalytic air scrubbers will be utilized to neutralize any associated odors with this project as well.

A maximum of two feet of tank will be visible above ground and the installation of appropriate buffers and landscaping will be consistent with Pender County's Zoning Ordinance and commercial site plan 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. Special Use Permit signs were posted on or near the proposed site.

B) ***Basis for Granting SUP:*** See attachment A for approval procedures (15.3 of Zoning Ordinance) and revocation procedures (15.4b of Zoning Ordinance).

C) ***Zoning Ordinance Compliance:*** This property is zoned RA, Rural Agricultural District, and *Wastewater Treatment Facilities* are permitted via Special Use Permit.

D) ***2005 Land Use Plan Compliance:*** This property contains two separate land use classifications: Urban Growth and Rural Areas. The eastern portion of the tract, closest to US 117 & I-40 is classified as Urban Growth which mimics the commercial nature of the I-40/NC 210/US 117 intersection and where Pender

County expects to offer utility services. The western portion of the tract contains Rural Area classification. Staff feels that this classification was given due to the mostly undeveloped land north of NC 210 in this vicinity. With the expected growth of this area, this project is consistent with providing services to the growing Rocky Point Area. Almost the entire tract, according to the 2005 CAMA Land Use Plan, contains conservation Area II classification which includes non-coastal wetlands and water supply watersheds. According to the applicant's preliminary wetland studies, there are none located on this site (See attached CAMA Land Use map). The overall classifications surrounding this site are either Urban Growth or Transition Areas.

E) ***Existing Land Use in Area:*** There are no structures within one thousand feet (1000') of the proposed Wastewater Treatment Facility. There are a few single-family structures along Lanier Avenue, McCrary Road and Everette Road, which all branch off of US 117. There is a ±170' rail right of way located along the eastern boarder of the project site.

F) ***Site Access Conditions:*** The property has direct access via easement to Ashton Road, which is approximately 1 ¼ miles north of the property. Site access conditions would have to be brought up to NCDOT standards prior to final zoning being issued.

G) ***Conditions To Consider In Issuing A Revision of the Special Use Permit For This Project:***

1. Unless approved otherwise as a condition of the permit, a Special Use Permit shall expire and become void, if a final zoning permit has not been issued for the project within 12 months.
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. No permanent personnel occupancy on-site will be allowed.
5. All operations must follow federal, state, and local standards, regulations, ordinances, permits, statutes, and/or laws.
6. The project must have commercial site plan review for a zoning permit.
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 expansions, after completion of the original wastewater treatment plant, will require an amendment to this Special Use Permit.
9. 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 by the Pender County Board of Commissioners that:

On February 2, 2009 the Pender County Board of Commissioners (approved, modified, denied) a special use permit for the operation of a Wastewater Treatment Facility, as described herein, and Jimmy T. Tate, 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: Tate___ Brown ___ Blanchard ___ Rivenbark ___ Williams ___

_____ _____
Jimmy T. Tate, Chairman Date

_____ _____
ATTEST Date

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING

SPECIAL USE PERMIT APPLICATION

Date 11\25\2008 **Application Fee** $2040.00

I. PROJECT INFORMATION:

Parcel ID #: 3235-19-0385-0000 **Total Property Acreage:** 184.00 Ac

Zoning District: RA **Acreage to be Disturbed:** 2.83Ac

Property Location/Address: Fords Lane Rocky Point, NC 28457

Describe activities to be undertaken on project site: Wastewater Treatment Plant

II. REQUIREMENTS FOR ISSUING A SPECIAL USE PERMIT:

1. The use requested is listed among the special uses in the district for which the 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 land use plan;
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.

Any information the applicant wishes to submit to assist in making the above findings may be included as part of the Project Narrative or as a supplement labeled "Support Information-Required Findings" (max. 1 page).

**Please refer to Special Use Application Checklist for further requirements.*

III. SIGNATURE OF OWNER & APPLICANT:

Martin J. Felynn, Manager [signature] (APPLICANT STROUD ENGINEERING P.A.)

(If owner is different from applicant, both signatures are required)

Pomethea Properties LLC

COMMUNITYDEVELOPMENT@PENDER-COUNTY.COM • 805 S. WALKER STREET, BURGAW, NC
PHONE: 910.259.1202 FAX: 910.259.1295

WWTP SPECIAL USE PERMIT NARRATIVE
FOR
PROMETHEUS PROPERTIES, LLC

Stroud Engineering
PW-774

Project Summary

Prometheus Properties, LLC is proposing to construct a wastewater treatment plant on approximately 184 acres of land located off Ashton Road near Rocky Point, NC in the south eastern edge of Pender County. The plant is proposed in preparation for future development on the adjoining properties in the immediate area. Pender County requires waste water treatment facilities to obtain a Special Use Permit. This submittal is fashioned to address the requirements of the Pender County Special Use Permit application.

The proposed waste water disposal method will be classified as a High Rate Infiltration system as defined by NCAC Title 15A subchapter 2T. To meet this administrative code the waste water treatment plant will treat the water to a quality exceeding that required for consideration as clean groundwater. The treatment processes will include aeration, flocculation, filtration, and disinfection. The treated water will be discharged to a constructed pond that will percolate the water into the ground at a rate equivalent to that of a typical residential septic drainfield. All of these facilities and processes will require permitting through the North Carolina Department of Environment and Natural Resources, Water Quality Section.

Site Description

The wastewater treatment facility and the infiltration pond will be located in the western portion of the boundary. The topography of the site has little variance, with slopes ranging from 0% to 2% throughout the entire site. The site presently exists as rural agricultural land. There are no wetlands located on proposed site. The majority of the site drains to Kellys Creek. Kellys Creek is tributary to Rileys Creek, Long Creek, and on to the North East Cape Fear River. Long Creek is classified as C, Sw. The property is zoned RA by Pender County. The CAMA Land Use classification is Forestry Area.

Permits Required

Prometheus Properties, LLC will solicit permits for wastewater treatment and disposal, stormwater management, soil erosion and sedimentation control all from the North Carolina Department of Environment and Natural Resources, Water and Land Quality Sections. The proposed driveway onto Ashton Road will require North Carolina Department of Transportation approval. A Jurisdictional Determination will be obtained from the United States Army Corps of Engineers however at this time no wetland encroachments are proposed.

Adjoining Property

Adjoining property is primarily undeveloped RA and undeveloped R-20. The property adjoining to the north, east, and west are currently zoned R-20 by Pender County. The property adjoining to the south of proposed site is zoned RA by Pender County. There exists a few existing residences fronting an extension of an abandon Seaboard Coastline Railroad R/W, from McCrary Road. This R/W abuts the eastern boundary line of proposed site.

Soils

Soils in the project area are mapped in the Pender County Soil Survey as Torhunta mucky fine sandy loam, and Woodington fine sandy loam. Torhunta mucky fine sandy loam is characterized as poorly drained soils on broad uplands and stream terraces. Woodington fine sandy loam is characterized as poorly drained soils on broad uplands and in depressions. The locations of these soils has been given due consideration in the site location 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 RA 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 Forestry 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 a stormwater collection system with ponds for flood and pollution control.

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;*

Driveway connectivity to Ashton Road will be provided at existing locations. 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.