

REQUEST FOR BOARD ACTION

ITEM NO. 27.

DATE OF MEETING: June 22, 2009

REQUESTED BY: Benjamin Andrea, Planner I, Planning & Community Development

SHORT TITLE: Resolution to approve a Special Use Permit – Sewer/Water Treatment, Storage & Processing Facilities, Including Lifts and/or Pump Stations

BACKGROUND: The project includes the development and operation of a water treatment facility and wastewater treatment facility. The project is located along the southwest side of U.S. Highway 421 S., approximately ¼ mile north of the Pender/New Hanover County line. The property may be identified as PIN 2291-76-4724-0000

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a Special Use Permit for Sewer/Water Treatment, Storage & Processing Facilities, Including Lifts and/or Pump Stations.

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: June 22, 2009
Case Number: SUP 09-06-15-15 Pender County
Applicant: Pender County
Property Owner: Pender County

Land Use Proposed: The applicant is requesting a special use permit for a waste water treatment facility and a water treatment facility.

Property Record Number and Location: The property is identified by record number 2291-76-4724-0000 and is located west of U.S. Highway 421 across from S.R. 1100 (Cowpen Landing Road) just north of the New Hanover/Pender County line. The property is known as the Pender Commerce Park.

Zoning District of Property: The property is zoned I-2 Industrial District (Heavy Industry).

PROJECT DESCRIPTION:

The applicant is requesting approval of a special use permit for the construction and operation of a wastewater treatment facility and water treatment facility up to 12 million gallons per day (MGD) within the Pender Commerce Park, a publicly-owned industrial park approved by special use permit on February 16, 2009. Currently the property is undeveloped aside from 4 private water wells owned by BASF. These wells remain operational and are reserved by easement, and will have no impact on the development of the water and wastewater treatment facilities according to the applicant (see applicant's narrative).

Pender Commerce Park consists of 378 acres located on southwest side of U.S. 421, just north of the New Hanover/Pender County line. The property is bounded by Corbett Industries on the northwest, Wiltak, Inc. on the southwest, and BASF Corporation on the southeast. One hundred thirty-one (131) acres of the park are reserved for the water and wastewater treatment facilities. Access to the water/wastewater treatment facilities will be provided by a secondary entrance to the park to be constructed during the development of the water/wastewater treatment facilities.

The County is currently in the design and engineering stages for the water treatment facility, as well as the conceptually planning the wastewater treatment facility with coordination from the Cape Fear Public Utility Authority. Both projects shall comply with all applicable local, state, and federal regulations, including stormwater management and NPDES permits from the NC Division of Water Quality, and erosion and sediment control plan approval from the NC Division of Land Resources. Although the project will not impact any wetlands, the US Army Corps of Engineers will delineate the wetlands to ensure no impairment shall occur as a result of the project. Driveway permitting from the NC DOT will also be required for the proposed access road to the water/wastewater treatment facilities.

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 Ordinance) and revocation procedures (15.4b of Zoning Ordinance).

- C) **Zoning Ordinance Compliance:** The property is zoned I-2, Industrial District (Heavy Industry), and Sewer/Water Treatment, Storage & Processing Facilities, Including Lifts and/or Pump Stations are permitted via Special Use Permit (see attached zoning map).
- D) **2005 Land Use Plan Compliance:** The current CAMA Land Use Plan classifies the subject property as Rural Area and Conservation Area II. It is specifically noted under the classification description of Rural Area in the CAMA Land Use Plan that the Southern US 421 Corridor (area of proposed development) has characteristics that are conducive to industrial and transportation related land uses. The proposed development is particularly consistent with Chapter II Section E, Industrial and Business Development, of the current CAMA Land Use Plan, and no development is proposed to be undertaken on the portions of the subject property classified as Conservation Area II.
- E) **Existing Land Use in Area:** The parcel to the north is owned by Corbett Industries and is undeveloped and used for timber or agriculture. The parcel to the west is owned by BASF Corporation and is largely undeveloped. The parcel to the south is also owned by BASF Corporation, and is developed consisting of a vitamin manufacturing facility. The parcels across the U.S. 421 corridor from the subject property are largely undeveloped.
- F) **Site Access Conditions:** Access to the wastewater/water treatment facility will be provided by a secondary entrance from U.S. Highway 421.
- G) **Conditions Governing Special Use Permit Approval:**
 1. The proposed project shall comply with and be maintained in accord with all provisions of all applicable sections of Pender County Ordinances and all state and federal regulations, as well as the protective covenants for the Pender Commerce Park.
 2. The right-of-way of the former Seaboard Coast Line Railroad, which runs parallel to US 421 as depicted on MB 42 Page 113 of the Pender County Registry, shall remain reserved and undeveloped to preserve its use as a future "rail-to-trail" corridor. Owners of property adjacent to the right-of-way shall endeavor to cooperate with local government, state government, non-profits, and others in the future use and improvement of the rail corridor.
 3. Staff is allowed to grant reasonable extensions of the special use permit expiration period so long as the applicant is actively obtaining all of the necessary local, state, and federal permits associated with the project.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on June 22, 2009 the Pender County Board of Commissioners (approved, modified, denied) a special use permit for the operation of a public industrial park, 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 6/22/2009
Date

ATTEST 6/22/2009
Date

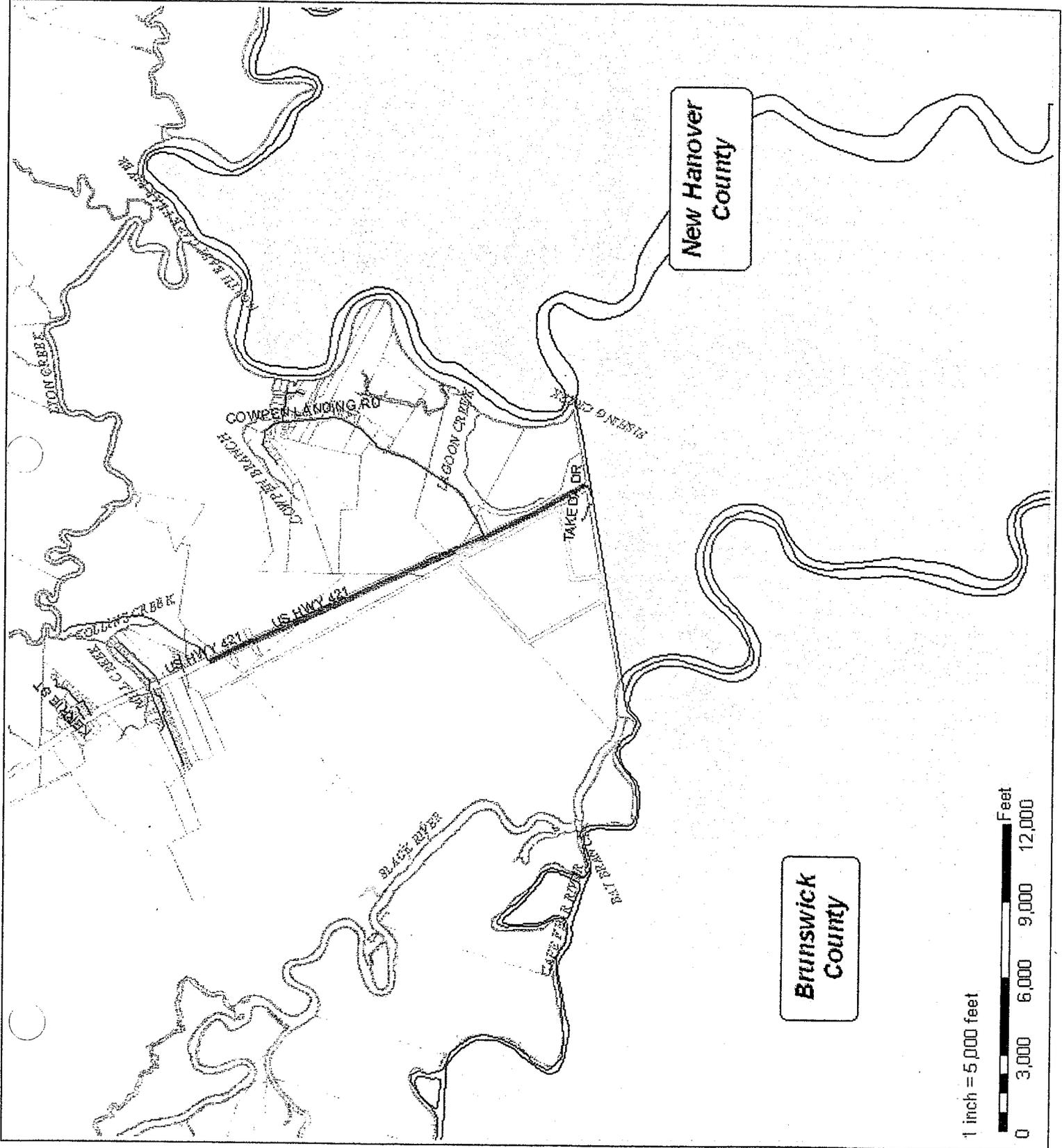


**Applicant -
Pender County**

**Special Use Permit
Sewer/Water Treatment,
Storage &
Processing Facilities,
Including Lifts
and/or Pump Stations**



Vicinity Map





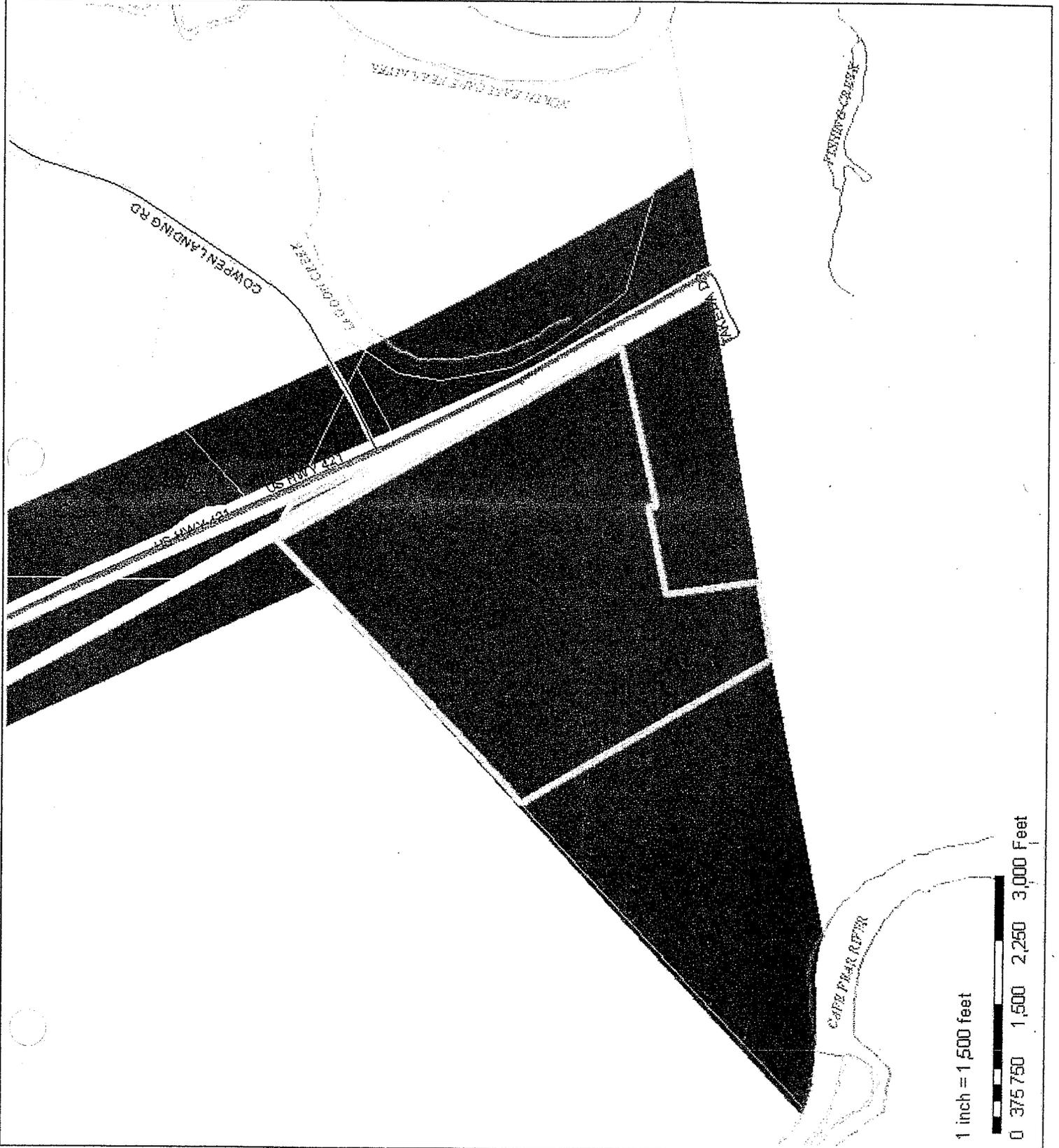
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Pender County, NC	
Zoning	
[Symbol]	B-1
[Symbol]	B-2
[Symbol]	B-3
[Symbol]	I-1
[Symbol]	I-2
[Symbol]	Industrial Area
[Symbol]	PD
[Symbol]	P-10
[Symbol]	P-15
[Symbol]	P-20
[Symbol]	P-30
[Symbol]	RT
[Symbol]	R-5
[Symbol]	UDPA
[Symbol]	URPA



Zoning Map





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Pender County

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- Pender Commerce Park
- Rural Areas
- Rural Clusters
- Urban Growth Areas
- Transition Areas
- Conservation Area II
- Conservation Area I



CAMA Land Use





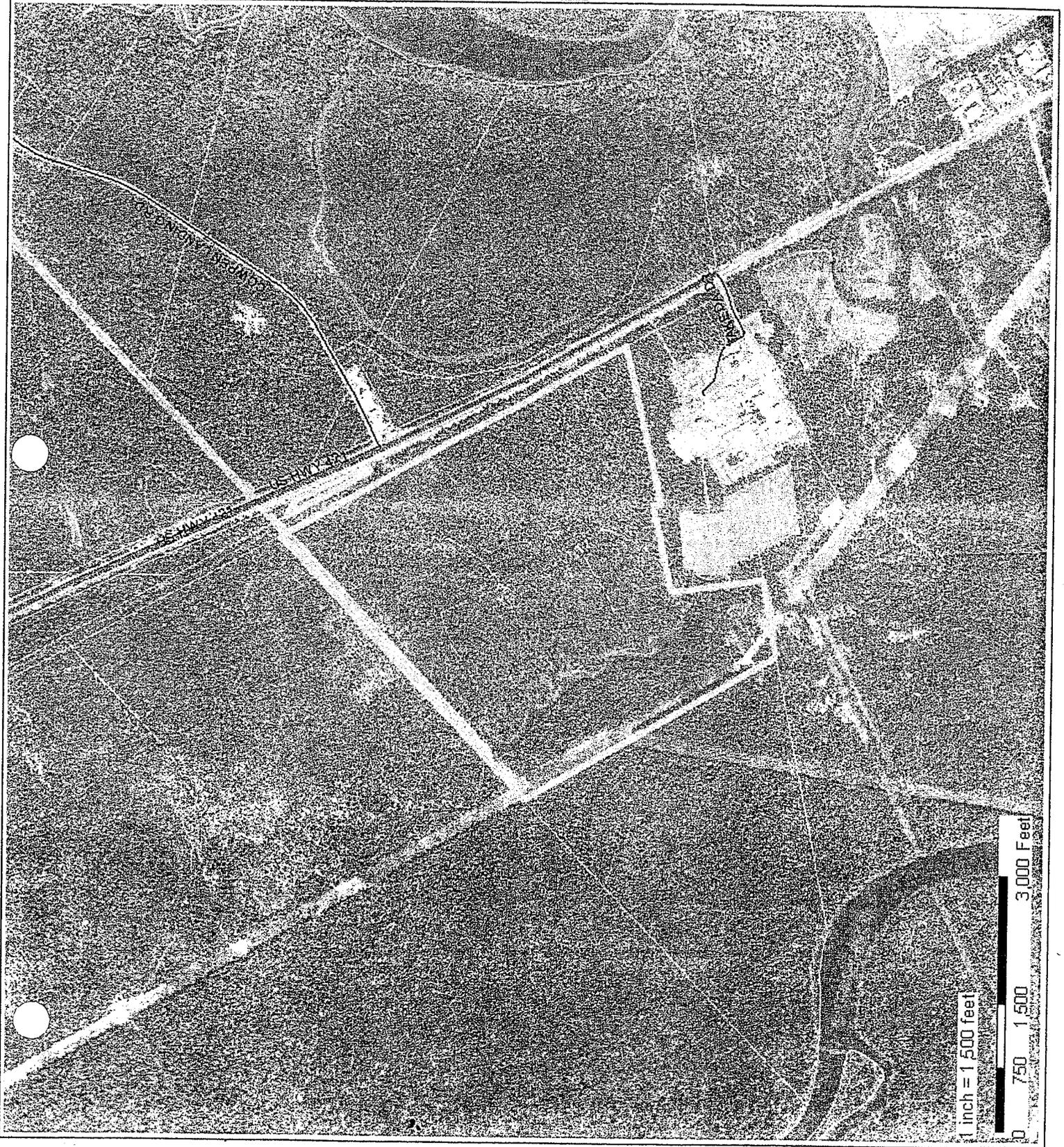
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Pender Commerce Park



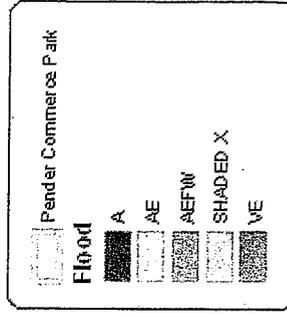
Aerial Map



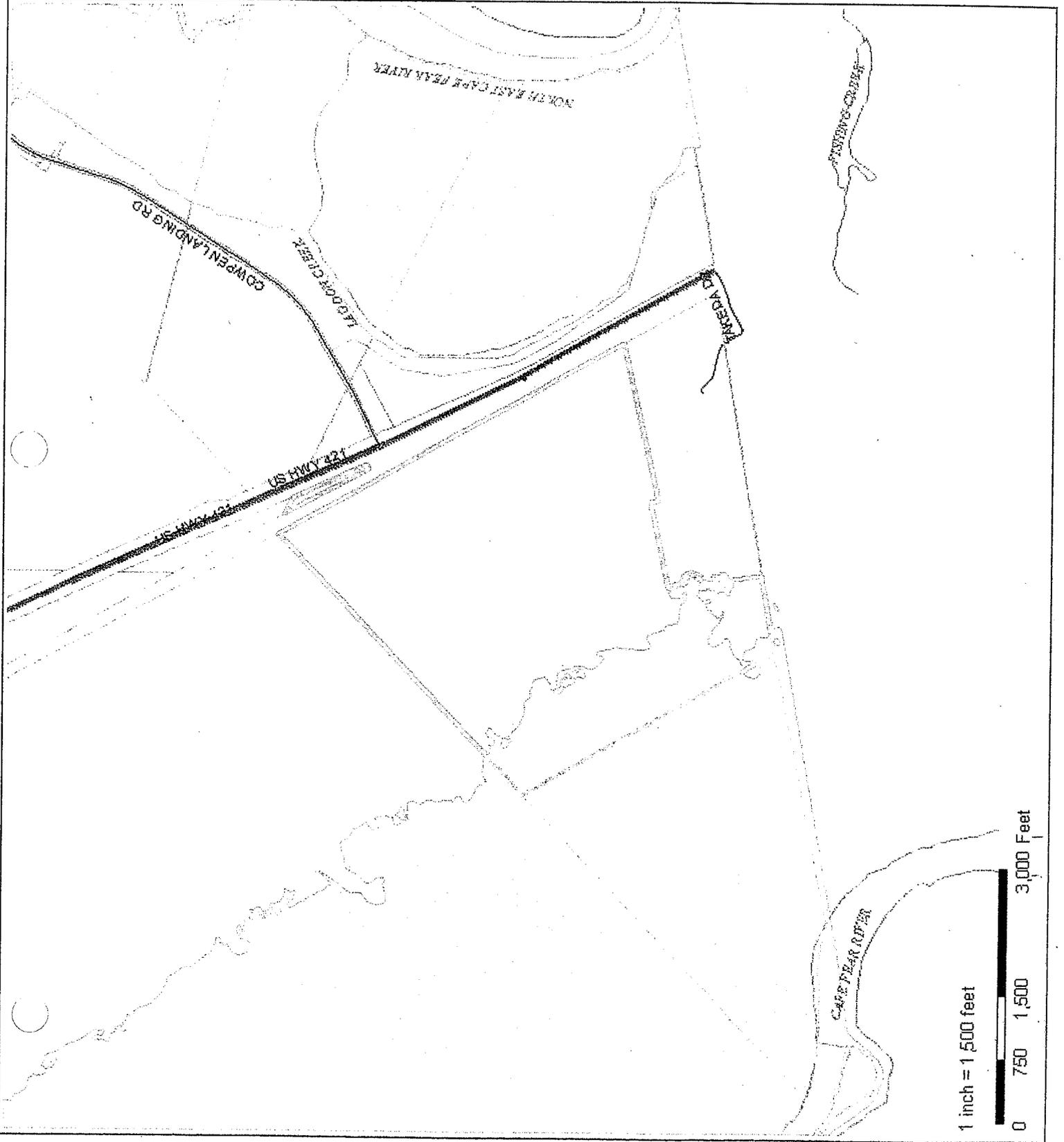


Applicant -
Pender County

Special Use Permit
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Flood Zones



PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



SPECIAL USE PERMIT APPLICATION

THIS SECTION FOR OFFICE USE			
Application No.	09-06-15-15	Date	4/30/09
Permit Fee	\$200	Receipt No.	
APPLICANT INFORMATION			
Applicant Name Michael G. Mack, Utilities Dir.		Owner Name County of Pender	
Address: PO Box 995 Burgaw, NC 28425		Address: PO Box 5 Burgaw, NC 28425	
Phone No: 910-259-5270		Phone No:	
Legal relationship of applicant to owner: Utilities Director			
PROJECT INFORMATION			
Property tax record No. 2291-76-4724-0000		Total property acreage: 378	
Zoning Designation: I-2		Acreage to be disturbed: 60	
Acreage to be used for project: +/- 130			
Project location and address: Pender County Industrial/Commerce Park US Highway 421 at Pender/New Hanover County Line			
Describe activities to be undertaken on project site: Construction of a 6 MGD Water Treatment Plant and 0.5 MGD Wastewater Treatment Plant			
SIGNATURES			
Applicant: 	Date: 4/30/09	Owner: 	Date: 4-30-09
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). 5. Permit will become void after 12 months if a final zoning permit is not obtained, unless specifically requested at the time of public hearing. 			

**PENDER COUNTY
SURFACE WATER TREATMENT PLANT
AND DIRECT DISCHARGE/CONJUNCTIVE USE WASTEWATER TREATMENT PLANT
US 421 COMMERCE PARK
Special Use Permit**

Application Narrative and Required Findings Support

The Pender County Board of Commissioners acquired a 378 acre tract in 2006 located on the US 421 corridor, adjacent to the BASF Corporation and the New Hanover/Pender County line for the development of an industrial/commerce park and a publicly owned and operated water plant and wastewater treatment plant. The County acquired the property in an effort to stimulate and facilitate industrial development in Pender County, to create jobs and tax base, to improve the quality of life and standard of living for its citizens, as well as a site to build water and wastewater plants to serve continued future growth in Pender County.

The industrial park fronts US 421, with access via a main entrance in alignment with existing S.R. 1100 (Cowpen Landing Road). A service road to access the water and wastewater plants will be constructed to NCDOT secondary road specifications during the construction of the water treatment plant. An industrial corridor runs along US 421 in northern New Hanover County into Pender County. The industrial/commerce park site conforms to the existing established land uses in the area. The current zoning is I-2, which permits industrial parks and uses.

The master plan provides for 10 lots (157 acres) for industrial client development, ranging from 11 to 20 acres in size, all being accessed by the main park road. The remaining developable land (131 acres) is reserved for the public water and wastewater treatment plants. 56 of the 344 acres is wetland, and will not be developed.

The following evaluations/reports have been accomplished and are available for public inspection:

- a. Wetland Delineation
- b. Environmental Report for Water Plant
- c. Endangered Species Report
- d. Phase I Environmental
- e. Geotechnical Borings
- f. Boundary Survey

No findings have been made that would preclude the land from being developed for the water and wastewater treatment plants. The site contains 4 private water wells owned by BASF, and they remain operational and are reserved by easement. They will have no impact on development of the water or wastewater treatment plants.

The County is underway with the preliminary design and engineering of the water treatment plant and the conceptual master planning in concert with the Cape Fear Public Utility Authority of the wastewater treatment plant. In addition, the water/wastewater/street/storm water infrastructure design and permitting are currently underway for the industrial/commerce park. The Special Use Permit for the park was unanimously approved by the Pender County Board of Commissioners on February 16, 2009. The water and wastewater treatment plants will be designed and developed in compliance with all federal and state codes, including Pender County building and land use codes. In addition, both plants within the industrial/commerce park will be governed by restrictive covenants approved and enforced by the County, which shall govern plan approval including components related to lighting, landscaping, parking, storage, storm water management, buffering, construction, environmental matters, utilities, setbacks, fencing, and so forth.

The water and wastewater plants will be owned and operated by Pender County. The water treatment plant is expected to be operational in 2011. Depending on the demand for wastewater service with the industrial/commerce park and the US Highway 421, the wastewater plant may also be operational in 2011. The County is exploring alternatives including various partnerships for the provision of a public wastewater treatment plant. Should an industrial client be ready for utility services in the interim period prior to the water and sewer plants becoming operational, the County can meet those demands via wells, and either on-site septic or package plant treatment for sewer. Of course the plants will require state approval and permitting, as well as local health department approval. Infrastructure development will require state approval and permitting, including erosion and sedimentation control & regulation plans.

With respect to other utility providers: Progress Energy will be the electric provider; AT&T (BellSouth) is the telecommunications provider; and Piedmont Natural Gas is the natural gas provider for both plants.

There will be no negative impacts to the area or County as a result of these treatment plants. Since the water & sewer plants are being developed publicly, the project will require considerable state oversight and permitting requirements, and compliance with all state, federal and local laws and regulations. The water and wastewater plants are expected to generate less than 20 vehicle trips per day. Traffic generation and access onto US 421 will be regulated by NCDOT and will require encroachment and driveway permits.

The blowers for the backwash system on the water plant and the aerated chambers of the wastewater plant will be located in an enclosed building or shelter to minimize noise. The reject water from the water plant will be treated to a reclaimed water standard and will require an NPDES permit from NCDENR. The wastewater effluent will also be treated to a high standard and will require an NPDES permit from NCDENR prior to discharge into the Cape Fear River or will be treated to reclaimed water standards prior to discharge into infiltration ponds. The economic impact to Pender County will be significant. The projected public water supply demand for Pender County is 5.8 million gallons per day by 2015. Wastewater treatment will be necessary to develop the County's Industrial/Commerce Park and attract industrial and commercial interests.

The provision of public water and wastewater treatment for the industrial/commerce park and the US Highway 421 corridor will make a very positive economic impact in terms of job creation and opportunity, tax base, per capita and family income, reducing commuting time, and better distributing tax base among industry, commercial, governmental and residential sectors. Financially, if you were to assume 10 industries locate in the park, the potential economic impact to the county and its citizens would be significant, even considering modest levels of investment and job creation:

- Increase in Tax Base: \$350 million (\$35 million/site investment)
- Increase in Jobs 500 jobs (50 jobs per industry)
- Increase in Wages: \$16,952,000 (500 employees x \$652 [Average Weekly Manufacturing Wage])

These numbers do not include multiplier effects on the local economy. In addition to the direct economic impact, the water and wastewater plants will provide much needed water and sewer capacity to ensure quality and environmentally prudent growth and development throughout the county. Growth in the county is currently severely limited due to water and sewer limited capacity and availability. These plants will ensure capacity is available to meet further residential, commercial and industrial growth demands for the next 20 years or more.

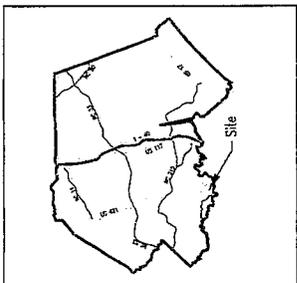
In summary, the narrative supports the following required findings of fact:

- a. The water and wastewater treatment plants are permitted as a Special Use in the zoning ordinance table of permitted uses in the I-2 zoning district.
- b. The water and wastewater plants will not impair the integrity or character of the area as it will conform to the industrial corridor in which it is located; and will not adversely affect public safety, health, morals or welfare of the area or neighbors as it will conform to other similar industrial uses and all uses on the site will meet all state, federal and local permitting and regulatory requirements.
- c. The water and wastewater plants will not constitute a nuisance or hazard as all uses on the site will meet all state, federal and local permitting and regulatory requirements.
- d. The water and wastewater plants are in conformance with land use and other county plans.
- e. The water and wastewater plants will be designed to provide adequate infrastructure including roads, utilities, and other improvements, and will be permitted through the appropriate agencies.
- f. The water and wastewater plant service road, and their use thereof will be evaluated and permitted by NCDOT.
- g. The water and wastewater plants use will conform to all applicable regulations of the I-2 zoning district and all other land use codes.
- h. The water and wastewater plants will not adversely affect surrounding uses and all site development will meet zoning, building and land use code requirements.

Pender Commerce Park



Conceptual Master Plan



Legend

- Industrial Parcel
- Access to Existing BASF Water Wells
- FEMA 100 Year Floodplain
- Site Boundary
- Pender County Water Treatment Plant
- Future Pender County Waste Water Treatment Plant
- Industrial User
- Service / Lay Down Yard

