

REQUEST FOR BOARD ACTION

ITEM NO. 18.

DATE OF MEETING: April 19, 2010

REQUESTED BY: Ashley Frank, Planner II, Planning & Community Development

SHORT TITLE: Resolution to approve a Special Use Permit for the Construction and Operation of a Sewer Treatment, Storage & Processing Facilities, Including Pump Station.

BACKGROUND: The property is identified by PIN 3315-00-7300-0000 and is located at the southeast intersection of US Highway 117 and SR 1646 (North Chubb Road) in Willard, North Carolina. This location will house the Burgaw/Wallace Sewer Force Main Lift Station, utilizing a booster pump station to convey wastewater flows from the Town of Burgaw to the Town of Wallace Wastewater Treatment Facility.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a Special Use Permit for the construction and operation of a Sewer Treatment, Storage & Processing Facilities, Including Pump Station.

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: April 19, 2010

Case Number: 10-04-19-04 Burgaw

Applicant: Chad McEwen, Planning Director, Town of Burgaw

Property Owner: Town of Burgaw

Land Use Proposed: The applicant is requesting the approval of a Special Use Permit (SUP) for the construction and operation of a Sewer Pump Station.

Property Record Number and Location: The property is identified by PIN 3315-00-7300-0000 and is located at the southeast intersection of US Highway 117 and SR 1646 (North Chubb Road) in Willard, North Carolina.

Zoning District of Property: The property is zoned RA, Rural Agricultural District, and Sewer/Water Treatment, Storage & Processing Facilities, Including Lifts and/or Pump Stations are permitted via Special Use Permit.

PROJECT DESCRIPTION:

The applicant is requesting a Special Use Permit to construct and operate a Sewer Pump Station and to serve the Town of Burgaw Wastewater System Improvement Project.

This location will house the Burgaw/Wallace Sewer Force Main Lift Station, utilizing a booster pump station to convey wastewater flows from the Town of Burgaw to the Town of Wallace Wastewater Treatment Facility.

The Town of Burgaw Pump Station No. 2 will be in operation 24 hours a day, seven (7) days a week. Permanent staff occupancy will not take place on site. However representatives of the Town of Burgaw will regularly conduct necessary site visits when the plant is operational. All mechanical equipment associated with the operation of the pump station will be located within an enclosed building to minimize any noise associated with this project. The backup generator will be the only equipment located outside the enclosed structure. The generator would only be in operation if the station loses power or during intervals of routine testing. The generator is designed to be sound attenuated to lessen the noise.

The North Carolina Department of Transportation is currently working on reconfiguring North Chubb Road, to allow better access to the pump station. This will reduce the traffic impacts on the current residences in the area, as well as the elimination of two (2) 90° turns in the first 500 feet of North Chubb Road.

The Pender County Utilities Department requires that all applicable tap fees would need to be approved prior the issuance of any building permits.

The property does not contain FEMA Special Flood Hazard Areas as shown on the effective Flood Insurance Rate Map (FIRM) dated February 16, 2007.

The project shall comply with all requirements of the Commercial Development Standards and Site Plan Review, as prescribe in §9.14 of the Pender County Zoning Ordinance as well as the installation of appropriate buffers and landscaping will be consistent with Pender County's Zoning Ordinance § 13 and 14. 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 Ordinance) and revocation procedures (15.4b of Zoning Ordinance).
- C) Zoning Ordinance Compliance:** The property is zoned RA, Rural Agricultural District, Sewer/Water Treatment, Storage & Processing Facilities, Including Lifts and/or Pump Stations are permitted via Special Use Permit (SUP), as prescribed by the Pender County Zoning Ordinance §8.9 Table of Permitted Uses.
- D) 2005 Land Use Plan Compliance:** The subject property is currently classified as Transition Areas. The project is consistent with this plan. As defined in the 2005 CAMA Land Use Plan, Transition Areas provides for of more intensive community development where the county is making plans to develop public services, particularly water and sewer services, and where access to transportation is excellent. Development will include residential uses, commercial and office uses, and employment uses, such as manufacturing and distribution that can take advantage of the services and transportation access available.
- A. Existing Land Use in Area:** The land use pattern for the surrounding area is residential. Specifically, the land uses are as follows: located to the north is low density residential and vacant. To the east low density residential and vacant. To the south is vacant and to the west is vacant.
- E) Site Access Conditions:** Access to the Town of Burgaw Pump Station No. 2 will be located on North Chubb Road.
- F) Conditions To Consider In Issuing A Revision of the Special Use Permit For This Project:**
1. 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.
 2. All operations must follow federal, state, and local standards, regulations, ordinances, permits, statutes, and/or laws.
 3. 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.
 4. Any physical relocation and/or improvements after completion will require an amended Special Use Permit.

ITEM NO: _____

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on April 19, 2010 the Pender County Board of Commissioners (approved, modified, denied) a special use permit for the construction and operation of a Sewer Treatment, Storage & Processing Facilities, Including Lifts and/or Pump Stations, 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: _____ **Blanchard:** _____ **Brown:** _____ **Rivenbark:** _____ **Williams:** _____

Jimmy T. Tate, Chairman

04/19/2010
Date

ATTEST

04/19/2010
Date

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



APPLICATIONS COVER SHEET

Date Application Filed: March 23, 2010

I. REQUIRED NAMES:

Applicant <u>Chad McEwen</u>	Owner <u>Town of Burgaw</u>
Address <u>109 N. Walker Street</u>	Address <u>109 N. Walker Street</u>
<u>Burgaw NC 28425</u>	<u>Burgaw NC 28425</u>
Phone <u>(910) 663-3151</u> Fax <u>(910) 259-6644</u>	Phone <u>(910) 663-3151</u> Fax <u>(910) 259-6644</u>
Email <u>cmcewen@townofburgaw.com</u>	Email <u>cmcewen@townofburgaw.com</u>

Legal Relationship of Applicant to Property Owner: employee

Consultant Name/Company Emily McArthur / Tony Boehn McKim + Creed

Address 243 North Front Street Wilmington, NC 28401

Phone (910) 343-1048 Fax (910) 251-6262

Email emcarthur@mckimcreed.com

II. AFFIDAVIT REGARDING OWNER - APPLICANT RELATIONSHIP:

I, Mark P. Lee ^{manager} (owner) and Chad McEwen (applicant) hereby affirm that an appropriate contractual relationship permitted by the appropriate NC State Codes exists between said Owner and Applicant. Owner and Applicant also affirm that if the owner requests that the application be terminated, staff will comply with Owner's request.

Chad McEwen
(Signature of Applicant)

Mark P. Lee
(Signature of Owner) Manager

III. TYPE OF APPLICATION:

(Please check one)

Board of Adjustment:

- Variance
- Appeal

Zoning:

- Text Amendment
- Map Amendment
- Home Occupation
- Special Use Permit
- Vested Rights Determination

Plans:

- Planned Development Master Plan
- Subdivision Preliminary Plat
- Final Plat

PLANNING AND COMMUNITY DEVELOPMENT

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FEE SCHEDULE

Board of Adjustment:	Applicable Fees:	Fee Calculation:
Variance	\$250.00	
Appeal	\$250.00	
Zoning:		
Zoning Determination Letter	\$15.00	
Text Amendment	\$250.00	
Map Amendment	\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter	
Vested Rights Determination	\$250.00	
Home Occupation	\$25.00	
Special Use Permit	\$300.00 & \$10.00 per acre over 5 acres; max of \$5,000.00	\$ 300.00
SUP, Part of AEC	\$300.00 & \$10.00 per acre over 5 acres	
SUP, Tower over 75 ft.	\$500.00	
SUP, Mining Borrow Pit	\$750.00 & \$10.00 per acre over 5 acres	
SUP, Mining other	\$1,000.00 plus \$5.00 per acre	
Plans:		
Planned Development Master Plan	\$500.00 plus \$10/acre for the first 100 acres; \$5/acre thereafter	
Preliminary Plat	\$500.00 & \$10/lot/residential unit for the first 100 lots/units; \$5 per lot/unit thereafter	
Final Plat	\$250.00 & \$10/lot/residential unit for the first 100 lots/units; \$5/lot/unit thereafter	
	Total Fees Due:	

Attachments Included with Application:
(Please include # of copies)

pdf CD gel Plan Sets _____ Other Documents/Reports _____

2 Large Map
Ø 18 11x17

Method of Payment: _____ Cash
 Credit Card, We accept VISA and MasterCard _____ only.
 _____ Check, Ck. # ()

For Office Use Only:

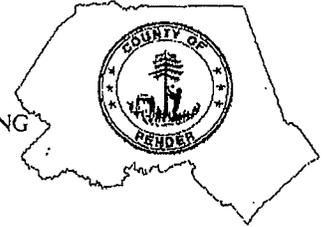
Receipt # 100459

Received By: [Signature]

Date: 3/23/10

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



SPECIAL USE PERMIT APPLICATION

THIS SECTION FOR OFFICE USE			
Application No.	SUP	Date	3.23.2010
Permit Fee	300.00	Receipt No.	100459
APPLICANT INFORMATION			
Applicant Name Chad McEwen		Owner Name Town of Burgaw	
Address: 109 N. Walker St Burgaw NC 28425		Address: 109 N. Walker St Burgaw NC 28425	
Phone No: (910) 663-3451		Phone No: (910) 663-3451	
Legal relationship of applicant to owner: Employee			
PROJECT INFORMATION			
Property tax record No. 3315-00-7300-0000		Total property acreage: .28 acres	
Zoning Designation: RA		Acreage to be disturbed: .28 acres	
Acreage to be used for project: .28 acres			
Project location and address: SR 1646 - Proposed building has not been addressed			
Describe activities to be undertaken on project site: Construction of a sewer lift station and supporting facilities for the Burgaw-Wallace Sewer Force Main Project.			
SIGNATURES			
Applicant: Chad W. McEwen	Date: 3-23-10	Owner: Town of Burgaw	Date: 3-23-10
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. 			

SPECIAL USE PERMIT APPLICATION CHECKLIST

✓	1. Signed application form
	2. Application fee \$ <u>300.00</u>
✓	3. Legible list of all property owners adjacent to the property upon which the use is to be located. The list shall include the mailing address & physical address of these property owners (The application will not be advertised for public hearing until the list is accurate & complete--the list maybe compiled from the public PC terminal in the Pender County Tax Office). (<u>tax records</u>)
✓	4. One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list. <u>self (town of Burgaw)</u>
✓	5. <u>Project Narrative</u> --Written description of the project (<u>max of 3 pages</u>) including the following: <ul style="list-style-type: none"> • Location of the project and type of access to project site • Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc. • Description of all construction activities to be undertaken on the site. • Describe type of utilities that will serve project and status of approval from Environmental Health. • List of all state and federal permits that will be required for the project • Describe any potential impacts the project will have on the community or adjacent properties such as traffic, noise, etc. and explain efforts to mitigate these impacts (<u>this item must be addressed by the applicant</u>). The applicant may also wish to describe any positive benefits the project will provide for the community and/or neighbors of the project.
✓	6. <u>Project Map(s)</u> --Map or maps of the special use project site with boundaries of the project if less than the parcel boundaries. This map or maps shall be drawn to a <u>readable</u> scale. The scale shall be not more than 200' to the inch. The map shall display an accurate bar graph scale, date prepared, north arrow and the author of the map. This map(s) shall show the following: <ul style="list-style-type: none"> • Boundaries of the property upon which the special use will be located, the acreage in the property and project site, with a north arrow and bar graph. • Access from the site and/or project boundaries to the nearest publicly maintained road. • Location of any existing structures or uses on the property and within 50' of the property. • Location of the project boundaries if they do not coincide with the property boundaries. • Existing and proposed structures, other on-site improvements, and location of all activities associated with the use, location of well, septic tank, and/or other utilities. • Boundary of all clearing, grading, and/or land disturbing activities on the site and the calculated acreage of all land disturbing activities on the site. • Existing and proposed fencing, vegetative screening and buffers (Must comply with Sect.16, Sect. 13.3 C., and Sect. 8.6 D., E., F. & G. of the Zoning Ord.). • Parking, loading areas, landscaping and access (Must comply with Section 13 of the Zoning Ord.). • All signs to be located on the property (Must comply with Sect. 15 of the Zoning Ord.) • Pedestrian walks, area lighting and flood lighting. • Existing natural features of the site including, wooded areas, tree lines, ponds, streams, other water bodies or ditches on or adjacent to the site, designated flood hazard areas & known or designated wetlands on the site. • Drainage plan and/or direction of flow of runoff from the project and site. • After review by the Planning and Community Development Department, additional information may be required to be submitted. • Two full size and twenty reduced size (max. 11"x17") copies of this map(s) shall be submitted.
n/a	7. Applications including more than one acre of disturbed area should consult for additional requirements.
	8. Application received by <u>KV</u> Date <u>3-23-10</u>
	9. Application completeness approved by <u>KV</u> Date <u>3-23-10</u>
	10. Date scheduled for public hearing <u>April 2010</u> <u>per RB</u>

Land Scaping & buffer requirements

**SPECIAL USE PERMIT
REQUIREMENTS FOR ISSUING A SPECIAL USE PERMIT
(For Applicant's Information)**

Prior to issuing a special use permit, the Board of Commissioners must make the following written findings:

- A. 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;
- B. 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;
- C. The proposed use shall not constitute a nuisance or hazard;
- D. The requested use will be in conformity with the land use plan;
- E. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
- 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;
- G. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and
- 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.

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).

NCGS 130A-338. Authorization for wastewater system construction required before other permits to be issued.

Where construction, location or relocation is proposed to be done upon a residence, place of business or place of public assembly, no permit required for electrical, plumbing, heating, air conditioning or other construction, location or relocation activity under any provision of general or special law shall be issued until an authorization for wastewater system construction has been issued under G.S. 130A-336 or authorization has been obtained under G.S. 130A-337(c).

**RETURN COMPLETED APPLICATION TO:
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
805 WALKER ST.
BURGAW, NC 28425**

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

**Planning & Community Development
PENDER COUNTY, North Carolina**

805 S. Walker St.
Burgaw, NC 28425

Planning and Zoning
910-259-1202



MISC. CREDIT / DEBIT - RECEIPT

100459

Job Property Address :

Owner Name & Address: TOWN OF BURGAW
109 N WALKER ST
BURGAW NC 28425 - 0000

Contractor Name & Address:

CO#: 00000 - 0000

Purpose: SUP (SPECIAL USE PERMIT)

Attached to Permit # :

ISSUED BY	AMOUNT	CHECK #	TRANS DATE
JP15	300.00		03232010

SIGNATURE: _____

Sally Pace

Date: 3/23, 2010

Burgaw/Wallace Sewer Force Main Lift Station- Chubb Road

Project Narrative

- *Location of the Project and type of access to project site?*

The sewer lift station will be located off SR 1646 (North Chubb Road). In anticipation of the construction of the lift station, the North Carolina Department of Transportation has reconfigured North Chubb Road and eliminated the two 90° turns and replaced them with a new entrance approximately 160 feet to the south. Access into the lift station property will be provided via a driveway off the new cul-de-sac that NCDOT is installing along the western side of the lift station property.

- *Detailed description of the activities to be undertaken on the site, including hours of operation, and number of employees, etc?*

Once construction is complete the site will be solely used as a pump station site for the Town of Burgaw Wastewater System Improvements Project. The pump station will be utilized as a booster pump station to convey wastewater flows from the Town of Burgaw to the Town of Wallace Wastewater Treatment Plant. The pump station will be operational 24 hours a day, 7 days a week. Full time employees are not required on site for routine operation but it is anticipated that personnel will be on site at least once a day. At this time it is anticipated that there will be three (3) employees rotating duties associated with the pump station.

- *Description of all construction activities to be undertaken on the site?*

Construction activities at the Town of Burgaw Pump Station No. 2 will consist of the following:

Excavation of pump station, concrete form work, piping installation (installation of 20-inch and 24-inch force main), driveway entrance construction, chain link fence with 16 foot gate installation, clearing of site, construction of wetwell / pump station, construction of pump station building, 3/4" water service tie in to existing Pender County waterline.

- *Describe type of utilities that will serve the project and status of approval from Environmental Health?*

Utilities associated with the pump station at Chubb Road will consist of public water supplied by Pender County (located across US 117 from the pump station site). No additional utilities are anticipated therefore approval from Pender County Environmental Health is not anticipated.

Permits associated with the entire project and not just the pump station site can be found listed below.

- *List of all state and federal permits that will be required for the project?*

The project consists of approximately 75,000 LF of 20-inch and 24-inch force main and two pump stations. Permits required for this project include (date of approval is in parenthesis):

- DWQ Stormwater General Permit (12/11/2008)
- DCM CAMA General Permit (5/27/2009)
- DCM CAMA Consistency Determination (5/21/2008)
- DWQ CG&L Collections Permit WQ0033521 (5/27/2009)
- DLR Erosion and Sedimentation Control Plan Approval (10/31/2008)
- NCDOT Encroachment Agreement for Controlled Access Roads I-40 (3/26/2009)
- NCDOT Encroachment Agreement for Primary and Secondary Roads US 117 (4/7/2009)
- USACE Section 404 Nationwide 12 Permit (5/18/2009)
- Approval from DWQ Section 401 Oversight Unit (5/18/2009)

- *Describe any potential impacts the project will have on the community or adjacent properties such as traffic, noise, etc, and explain efforts to mitigate these impacts. The applicant may also wish to describe any positive benefits the project will provide for the community and/or neighbors of the project?*

For the four property owners that use the impacted portion of North Chubb Road as access for their property the construction of the lift station and the resulting installation of the cul-de-sac will result in several positive benefits. First, the new access for North Chubb Road will eliminate two dangerous 90° turns that drivers currently encounter within the first 500 feet of North Chubb Road. The elimination of the two dangerous curves was one of the primary reasons NCDOT is pursuing the new improvements. In addition, these four property owners will see the amount of traffic by their homes greatly reduced with the installation of the cul-de-sac. The new access for North Chubb Road will result in the vast majority of traffic being diverted by their property.

An Environmental Assessment (EA) was completed prior to the start of this project. A Finding of No Significant Impact (FONSI) was issued on 5/29/2008. The EA evaluated impacts related to the project and a section of the EA was devoted to the discussion of mitigative measures relating to those impacts. A copy of this EA can be obtained upon request. A copy of the FONSI is included with this application.



United States Department of Agriculture
Rural Development
State Office

(Exh. E. - SI 1794-1)

SUBJECT: Town of Burgaw
Proposed Wastewater System Improvements
Finding of No Significant Impact

TO: Project File

The attached Environmental Assessment has been prepared and reviewed in accordance with the National Environmental Policy Act, as amended (42 U.S.C. 6941 et seq.); the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR Parts 1500-1508); and 7 CFR Part 1794, Rural Utilities Service's Environmental Policies and Procedures. Upon review of the environmental documentation included and referenced in the Environmental Assessment, I find that the proposed project will not have a significant impact on the human environment and for which an Environmental Impact Statement will not be prepared.

John J. Cooper
State Director
Rural Development

05/29/08
Date

4405 Bland Road, Suite 260 Raleigh, North Carolina 27609
Phone: (919) 873-2000 • Fax: (919) 873-2075 • TDD: (919) 873-2003 • Web: <http://www.rurdev.usda.gov/nc>

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Washington, DC 20250-9410 or call (800) 795-3272 (voice), or (202) 735-3822 (TDD).

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