



LINCOLN COUNTY PLANNING & INSPECTIONS DEPARTMENT

115 W. MAIN ST., LINCOLNTON, NORTH CAROLINA 28092
704-736-8440 OFFICE 704-736-8434 INSPECTION REQUEST LINE

To: Board of Commissioners
Planning Board

From: Randy Hawkins, Zoning Administrator

Date: August 12, 2020

Re: Watershed Conditional Use Permit #24
Damon Lusk, applicant
Parcel ID# 50203

The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their joint meeting/public hearing on September 14, 2020.

REQUEST

The applicant is requesting a conditional use permit to allow the use of the high-density option in the WS-IV Protected Area of the Catawba River/Lake Norman Watershed. The applicant is planning to develop a 0.77-acre site for a 7,340-square-foot office/warehouse. The high-density option would allow the development to have a built-upon surface area covering up to 70 percent of the site, with the use of engineered stormwater controls. Otherwise, in this watershed district, non-residential developments that require an erosion control plan are limited to a built-upon area of 36 percent. In this case, a built-upon area of approximately 61 percent is proposed.

SITE AREA AND DESCRIPTION

The subject property is located on the east side of N.C. 16 Business and south side of Balsom Ridge Road. It is zoned I-G (General Industrial) and is adjoined by property zoned I-G, CZ I-G (Conditional Zoning General Business and B-N (Neighborhood Business). Land uses in this area include industrial, business and residential. The subject property is part of an area designated by the Lincoln County Land Use Plan as an Industrial Center.

HIGH-DENSITY OPTION REQUIREMENTS

Under the water-supply watershed regulations of the Lincoln County Unified Development Ordinance, the Catawba River/Lake Norman watershed is designated for the use of the high-density option. The option requires the use of stormwater control structures to control and treat the runoff from the first one-inch of rain. The structures must be designed to meet the Best Management Practices (BMP) standards of the N.C. Department of Environment Quality. In this case, the plans call for the use of a sand filter.

The regulations require the developer to post a bond or other financial security in an amount not less than 1.25 times the cost of constructing the necessary stormwater control structure. In addition, a binding agreement must be signed, requiring the owner to maintain, repair and, if necessary, reconstruct the structure in accordance with an approved operations and maintenance plan. Once the stormwater control structure have been constructed and inspected, and prior to the release of the financial security, the applicant is required to deposit with the county either cash or a similar approved instrument in an amount equal to 15 percent of the total construction cost or 100 percent of the cost of maintaining the structure over a 20-year period, whichever is greater.



County Of Lincoln, North Carolina

Planning Board

Application No. **WSCUP #24**

Applicant **Damon Lusk**

Property Location **N.C. 16 Business at Balsom Ridge Road** Parcel ID No. **50203**

Proposed Conditional Use **high-density option for office/warehouse**

FINDINGS OF FACT

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES _____ NO _____

FACTUAL REASONS CITED: _____

2. The use meets all required conditions and specifications. YES _____ NO _____

FACTUAL REASONS CITED: _____

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES _____ NO _____

FACTUAL REASONS CITED: _____

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question. YES _____ NO _____

FACTUAL REASONS CITED: _____

After having held a Public Hearing on _____ and in light of the Findings of Facts listed herein, the following action was taken by the Lincoln County Planning Board:

In recommending such Conditional Use, the following conditions were recommended by the Lincoln County Planning Board:



Watershed Conditional Use Permit

Application

Lincoln County Planning and Inspections Department
Zoning Administrator
302 N. Academy St., Suite A, Lincolnton, NC 28092

PART I

Applicant Name Damon Lusk

Applicant Address 4052 N NC 16 HWY, Denver NC 28037

Applicant Phone Number 704-489-2101

Property Owner Name 3D Worldwide, LLC

Property Owner Address Same as Applicant

Property Owner Phone Number Same as Applicant

PART II

Property Location N NC HWY 16 – SE of intersection with Balsam Ridge Road

Property ID (10 digits) 3695-18-4387 Property size 0.769 Acres

Parcel # (5 digits) 50203 Deed Book(s) 2878 Page(s) 823

PART III

Watershed District WS-IV-PA

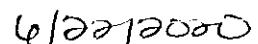
Briefly describe how the property is being used and any existing structures.
The site is currently undeveloped.

Briefly describe the proposed project and the why it would require a Watershed Conditional Use Permit: The proposed development will include the construction of a 7,340 sf building to include office space, and warehousing for industrial use. Other improvements include paved parking and driveway, stormwater water quality controls, and landscaping. An impervious coverage of 61.0% is proposed which requires a watershed conditional use permit.

\$1,000.00 APPLICATION FEE MUST BE RECEIVED BEFORE PROCESSING.

I hereby certify that all knowledge of the information provided for this application and attachments is true and correct to the best of my knowledge.


Applicant's Signature


Date

APPLICANT'S PROPOSED FINDINGS OF FACT
FOR A CONDITIONAL USE PERMIT

Application No. **WSCUP #24**

Applicant **Damon Lusk**

Property Location **NC 16 Business at Balsom Ridge Road** Parcel ID No. **50203**

Proposed Conditional Use **high-density option for office/warehouse**

PROPOSED FINDINGS

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan.

A driveway permit has been obtained from NCDOT. The proposed building will be built to code. Stormwater controls will be provided.

2. The use meets all required conditions and specifications.

The stormwater plans have been prepared by a professional engineer and have been reviewed by a certified stormwater plans reviewer and by county staff and found to comply with all requirements. The site plan meets all building setback, parking and landscaping requirements.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.

This property is adjoined by property zoned industrial and is located in an area that includes business and industrial uses.

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.

This is an existing business area. This property is part of an area designated by the Land Use Plan as an Industrial Center.



Lincoln County, NC

Office of the Tax Administrator, GIS Mapping Division

Lincoln County and its mapping contractors assume no legal responsibility for the information contained on this map. This map is not to be used for land conveyance. The map is based on NC State Plane Coordinate System 1983 NAD.

Date: 8/10/2020 Scale: 1 Inch = 100 Feet

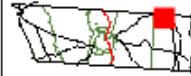
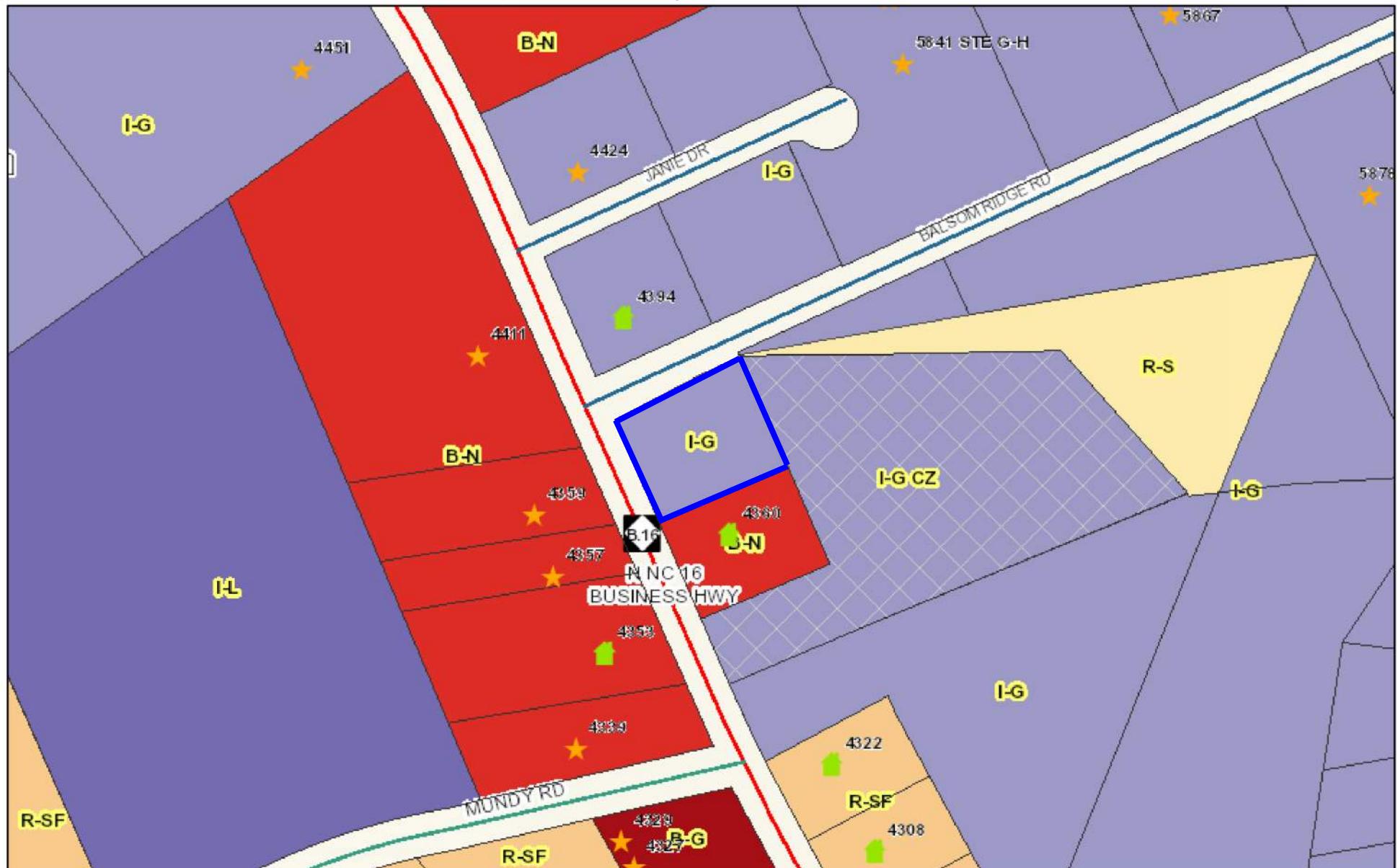


Photo Not Available

Parcel ID	50203	Owner	3D WORLDWIDE LLC		
Map	3695	Mailing	4052 N NC 16 HWY		
Account	0251047	Address	DENVER, NC 28037		
Deed	2878 823	Last Transaction Date	01/29/2020	Sale Price	\$96,000
Plat		Subdivision		Lot	
Land Value	\$145,312	Improvement Value	\$0	Total Value	\$145,312
Previous Parcel					
-----All values for Tax Year 2020-----					
Description	DENVER INDUSTRIAL LD			Deed Acres	0.879
Address	N NC 16 BUSINESS HWY			Tax Acres	0.775
Township	CATAWBA SPRINGS			Tax/Fire District	DENVER
Main Improvement				Value	
Main Sq Feet				Year Built	
Zoning District	Calc Acres			Voting Precinct	Calc Acres
I-G	0.78			DN29	0.78
Watershed					
0.55				0.78	
0.22					
Census County			Tract	Block	
109			071101	1005	0.78
Flood	Zone Description			Panel	
X	NO FLOOD HAZARD			3710369500	0.78

WSCUP #24
subject property is outlined in blue

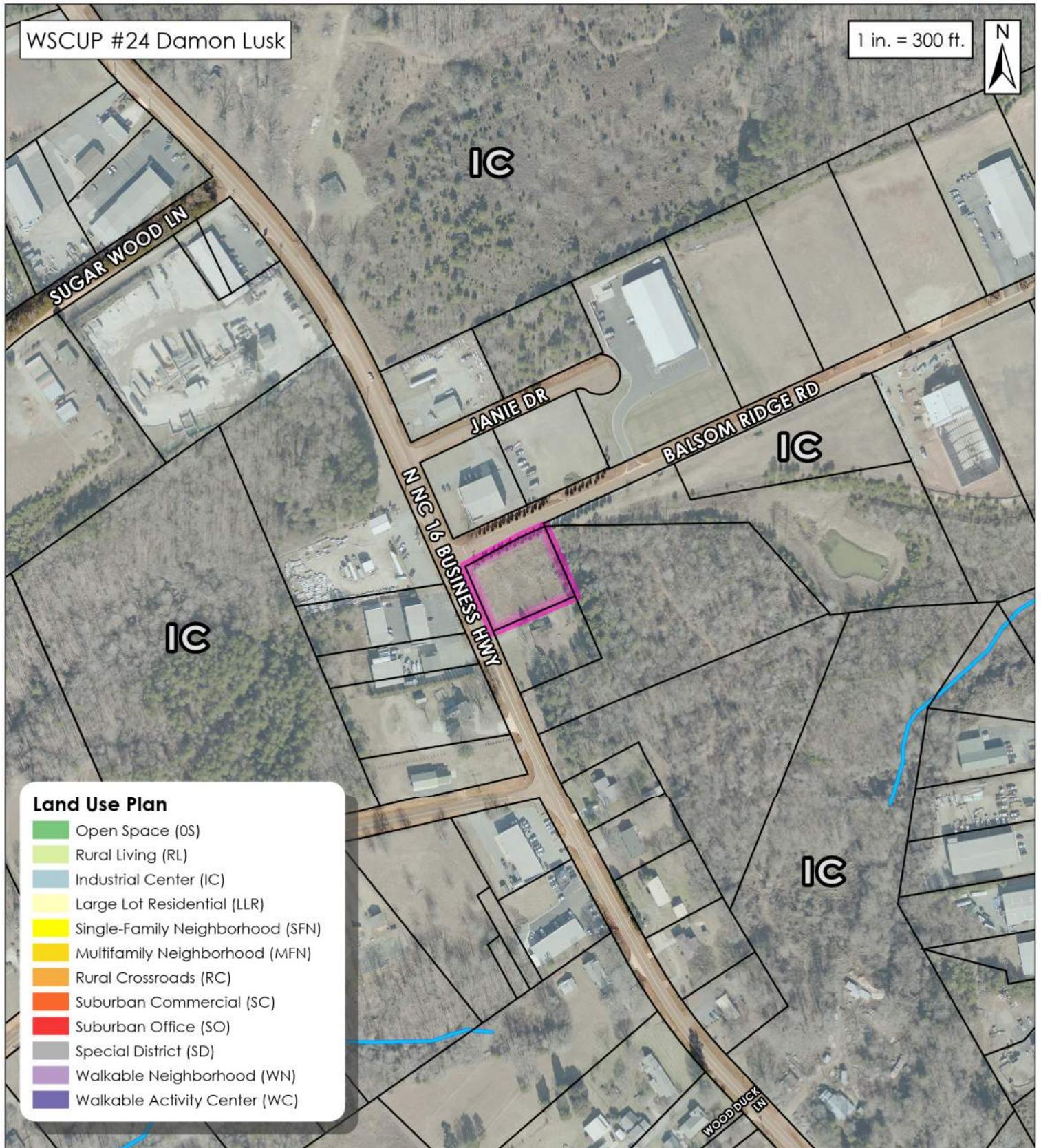


August 10, 2020

1:2,400

0 0.02 0.04
0 0.03 0.07 0.13 km

Esri, Inc., Lincoln County, NC



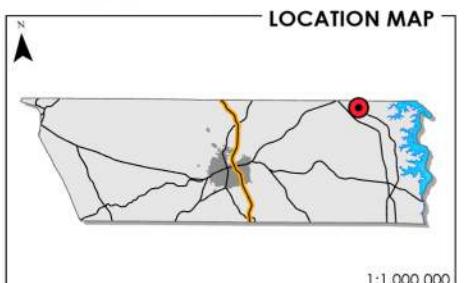
Lincoln County
Planning & Inspections
115 W. Main St
3rd Floor
Lincolnton, NC 28092

Parcel ID# 50203

- Property Location(s)

See Attached Application for Parcel Information

Property Location(s) Outlined in Pink.



Property Location(s)

**STORMWATER MAINTENANCE PLAN
FOR
RACE CITY STEEL COMMERCIAL BUILDING PARCEL 50203
FOR
SAND FILTER**

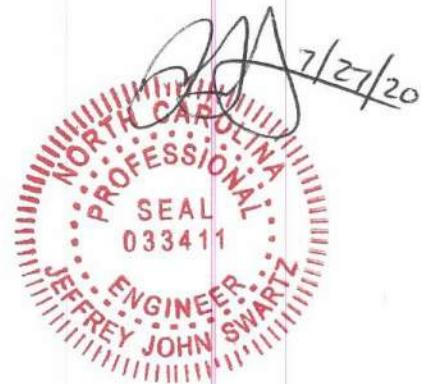
**LINCOLN COUNTY
DENVER, NORTH CAROLINA**

**OWNER:
3D WORLDWIDE, LLC
CONTACT: DAMON LUSK
4052 N NC 16 HWY, Denver NC 28037
DENVER, NC 28037
704-489-2101
damon@racecitysteel.com**

JULY 27, 2020

PROJECT No. 2020-4

**PREPARED BY:
Jeffrey J. Swartz, PE
License No: 033411
585 B and T Lane
Taylorville, NC 28681
Phone: 825-632-0499
www.jjspe.com
jjspe@bellsouth.net**



**STORMWATER MAINTENANCE PLAN
FOR
RACE CITY STEEL COMMERCIAL BUILDING PARCEL 50203
FOR
SAND FILTER**

**LINCOLN COUNTY
DENVER, NORTH CAROLINA**

The purpose of this plan is to assist in keeping a maintenance record and in the making of repairs of the referenced Best Management Practice (BMP). The maintenance record shall be written in the attached log and kept in a known set location. Any deficient BMP elements noted in the inspection shall be corrected, repaired or replaced immediately. These deficiencies can affect the integrity of structures, safety of the public, and the removal efficiency of the BMP.

Introduction

The Race City Steel development's sand filter area and this stormwater maintenance plan have been designed and prepared in accordance with N.C. Department of Environment Quality regulations and with the Lincoln County Unified Development Ordinance, §7.3.9, High Density Option.

The Race City Steel development is located within a designated WS-IV Protected Area of the Catawba/Lake Norman Watershed. With the high-density option, engineered stormwater controls are required to control and treat runoff from the first one-inch of rainfall for development containing a built-upon area of 24-70 percent. The sand filter areas are effective at removing stormwater pollutants such as total suspended solids (TSS), biological oxygen demand (BOD), fecal coliform, hydrocarbons, and metals.

Financial Guarantees

All new stormwater control structures approved employing the high density option shall be conditioned on the posting of adequate financial assurance for the purpose of constructing, maintaining, repairing or reconstructing said devices.

1. If the Board of Commissioners approves the use of the high density option for a particular project, it may do so only after the applicant has posted a surety bond, cash, or equivalent security, in an amount not less than 1.25 times the cost of constructing the necessary stormwater control structure(s). Such financial security shall be made payable to Lincoln County and shall be in a form prescribed by the Board of Commissioners. All construction costs shall be verified by the County and the County may assess the applicant for actual costs associated with such verification. The total cost of the stormwater control structure shall include the value of all materials such as piping and other structures, seeding and soil stabilization, design and engineering, grading, excavation, fill, and etc. The costs shall not be prorated as part of a larger project, but rather shall be priced as an individual project.

2. Once the stormwater control structure(s) has been constructed and inspected in the manner provided in §7.3.9.G, and approved by the Board of Commissioners, the Board of Commissioners may authorize the release of up to 75 percent of the surety bond or other equivalent device outlined in §7.3.9.E.1. The remaining portion of the surety bond or equivalent device may be released to the owning entity in accordance with §7.3.9.G.
3. Prior to said release, however, the applicant shall be required to deposit with the County either cash or similar instrument approved by the Board of Commissioners in an amount equal to 15 percent of the total construction cost (See §7.3.9.E.1) or 100 percent of the cost of maintaining, repairing or reconstructing said structure over a 20 year period, whichever is greater. The estimated cost of maintaining the stormwater control structure shall be consistent with the approved operation and maintenance plan provided by the applicant as outlined in §7.3.9.D.

Default

1. Upon default of the applicant to complete the stormwater control structure as spelled out in the performance bond or other equivalent security, the Board of Commissioners may obtain and use all or any portion of the funds necessary to complete the improvements based on actual construction costs. The Board of Commissioners shall return any funds not spent in completing the improvements to the owning entity.
2. Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the approved operations and maintenance plan, the Board of Commissioners shall obtain and use any portion of the security outlined in §7.3.9.F to make necessary improvements based on the actual costs borne by the County to make such improvements.

Inspections of Newly Constructed Structures

All new stormwater control structures shall be inspected by the County after the owning entity notifies the Director that all construction has been completed. At this inspection the owning entity shall provide:

1. A signed deed, related easements and survey plat for the structure in a manner suitable for filing with the Lincoln County Register of Deeds Office, if ownership of the stormwater control structure(s) is to be transferred to another person, firm, or entity. (This requirement will be waived for any repair work when such deed has previously been filed.)
2. A certification by an engineer or landscape architect (to the extent allowable by the General Statutes) stating that the stormwater control structure is complete and consistent with the approved Plan and all specifications previously stipulated by the County.

3. The Director shall forthwith present the materials submitted by the owning entity along with the County's inspection report to the Board of Commissioners for their review and approval. If the Board of Commissioners approves the inspection report and accepts the certification, deed and easements, the Director shall forthwith file said deed with the Lincoln County Register of Deeds Office. Release of up to 75 percent of the surety bond or equivalent security as called for in §7.3.9.E.1 shall be made in a manner as prescribed in §7.3.9.E.2 and §7.3.9.E.3.
4. If deficiencies are found as a result of the inspection, the Board of Commissioners shall direct the owning entity to make necessary improvements. Reinspections will be made thereafter. No release of any funds shall be made by the County until all deficiencies are properly addressed to the County's satisfaction.
5. No sooner than one year after approval of the stormwater control structure(s) by the County, the owning entity may petition the Board of Commissioners to release the remaining value of the posted bond or security called for in §7.3.9.E.1. Upon receipt of said petition, the County shall forthwith inspect the stormwater control structure to determine whether the structure is performing as designed and intended. Once the inspection is made, the Director shall forthwith present the inspection report and recommendations to the Board of Commissioners.
6. An occupancy permit shall not be issued for any structure within the permitted development until the Board of Commissioners approves the stormwater control structure in the manner as herein prescribed.

Annual Inspection of Stormwater Structures

1. All stormwater control structures shall be inspected by the County on an annual basis to determine whether the structures are performing as designed and intended. Records of inspection shall be maintained on forms approved or supplied by the North Carolina Department of Environment and Natural Resources (NCDENR). Annual inspections shall begin within one year of approval of the Board of Commissioner's approval of the filing date of the deed for the stormwater control structure. A fee, in accordance with a fee schedule adopted by the Board of Commissioners shall be charged to the owning entity for annual inspections (and re-inspections) made. A copy of each inspection report shall be filed with the Director.
2. In the event the County's report indicates the need for corrective action or improvements, the Director shall notify the owning entity of the needed improvements and the date by which such improvements are to be completed. All improvements shall be consistent with the adopted operations plan and specifications. Once such improvements are made, the owning entity shall forthwith contact the Director and ask that an inspection be made.

Vegetation and Grounds Management

1. Landscaping and grounds management shall be the responsibility of the owning entity of said structure(s). However, vegetation shall be not established or allowed to mature to the extent that the integrity of the structure(s) is in any way threatened or diminished, or to the extent of interfering with any easement of access to the structure.
2. Except for routine landscaping and grounds maintenance, the owning entity shall notify the Director prior to any repair or reconstruction of the structure. All improvements shall be consistent with the approved Plan and specifications for that structure. After notification by the owning entity, County staff shall inspect the completed improvements and inform the owning entity of any required additions, changes, or modifications needed to complete said improvements. A time period for making such changes shall also be stipulated by the County. A fee, in accordance with a fee schedule adopted by the Board of Commissioners, shall be charged to the owning entity for each inspection (or re-inspection) made.

Important Operation and Maintenance Procedures for Owner

- Manage the drainage area to reduce the sediment load to the sand filter.
- Clean out the sedimentation chamber or forebay whenever sediment depth exceeds six inches.
- At least once a year, skim the sand media.
- Replace the sand filter media whenever it fails to function properly after maintenance.
- Inspect the sand filter at least quarterly. Any problems that are found shall be repaired immediately.

Owner Inspection Schedule

After the sand filter is completed, the Owner shall inspect it quarterly and within 24 hours after every storm event greater than 1.0 inches. A record of the operation and maintenance shall be made in the attached log and shall be available upon request by the County.

Inspection activities shall be performed as follows in the chart below. Any problems that are found shall be repaired immediately.

BMP Maintenance:	Potential Problems:	How to remediate the problem:
The entire BMP	Trash/debris is present.	Remove the trash/debris.
Adjacent pavement (if applicable)	Sediment is present on the pavement surface.	Sweep or vacuum the sediment as soon as possible.
Perimeter of sand filter	Areas of bare soil and/or erosive gullies have formed.	Regrade the soil if necessary to remove the gully, and then plant a ground cover and water until it is established. Provide lime and a one-

		time fertilizer application	
	Vegetation is too short or too long.	Maintain vegetation at appropriate height.	
Flow diversion structure	The structure is clogged.	Unclog the conveyance and dispose of any sediment offsite.	
	The structure is damaged.	Make any necessary repairs or replace if damage is too large for repair.	
Forebay or pretreatment area	Sediment has accumulated to a depth greater than three inches.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and restabilize the pretreatment area.	
	Erosion has occurred.	Provide additional erosion protection such as reinforced turf matting or riprap if needed to prevent future erosion problems.	
	Weeds are present.	Remove the weeds, preferably by hand.	
Filter bed and underdrain collection system	Water is ponding on the surface for more than 24 hours after storm.	Check to see if the collector system is clogged and flush if necessary. If water still ponds, remove the top few inches of filter bed media and replace. If water still ponds, the consult an expert.	
Outlet device	Clogging has occurred.	Clean out the outlet device. Dispose of the sediment offsite.	
	The outlet device is damaged.	Repair or replace the outlet device.	
Receiving water	Erosion or other signs of damage have occurred at the outlet.	Contact the NC Division of Water Quality 401 Oversight Unit at 919-733-1786.	

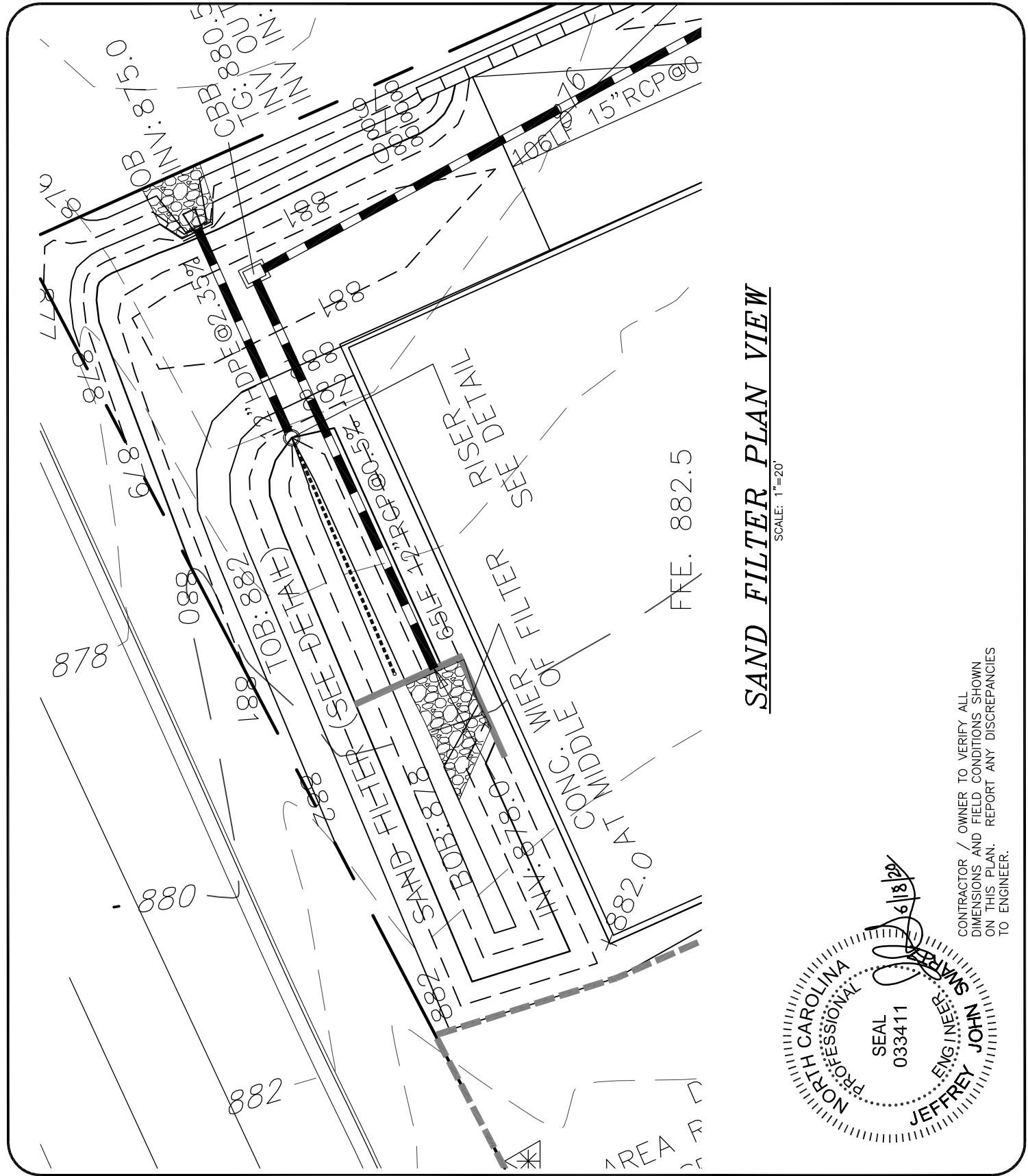
BMP Inspection Log (copy as needed for future use)

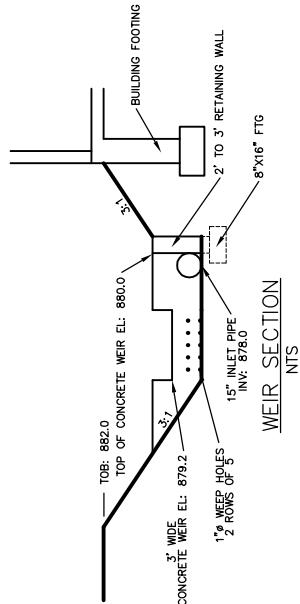
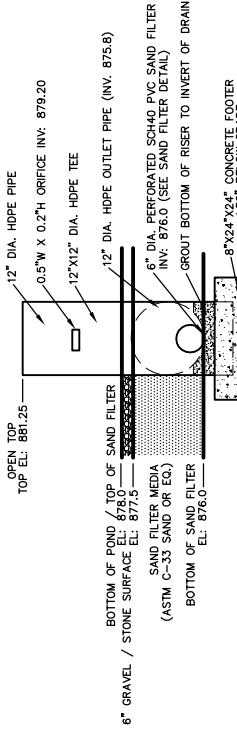
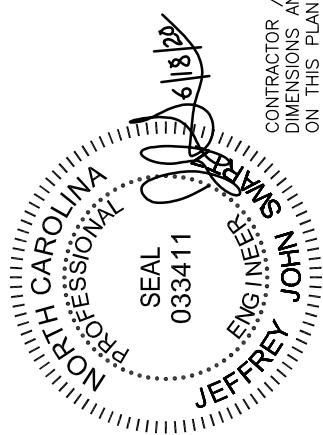
APPENDIX

SAND FILTER - O&M PLAN BMP LOCATION

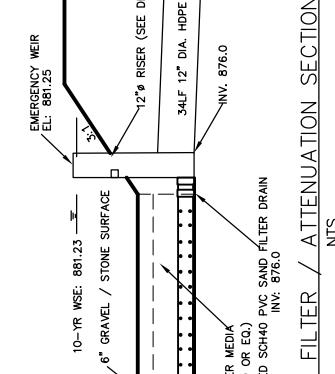
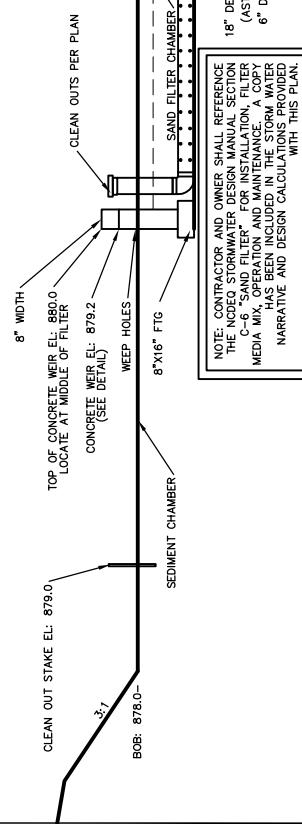
SAND FILTER - O&M PLAN BMP DETAILS

OPINION OF PROBABLE COSTS FOR SAND FILTER



WEIR SECTION
NTSRISER SECTION
NTS

CONTRACTOR / OWNER TO VERIFY ALL
DIMENSIONS AND FIELD CONDITIONS SHOWN
ON THIS PLAN. REPORT ANY DISCREPANCIES
TO ENGINEER.

SAND FILTER / ATTENUATION SECTION
NTS

RACE CITY STEEL COMERCIAL BUILDING PARCEL 50203

PROJECT: WAREHOUSE

BY: JJS

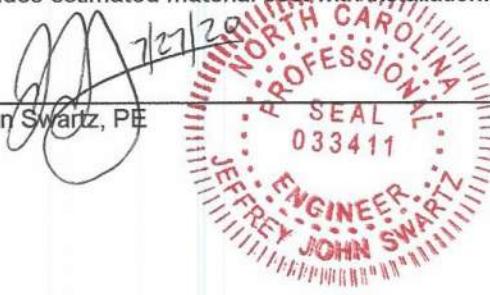
DATE: 7/27/2020

OPINION OF PROBABLE COSTS

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT COST	ITEM COST
1	Excavate and grade for BMPs	40	CY	\$15.00	\$600.00
2	Dry pond outlet structure	1	LS	\$800.00	\$800.00
3	Install in place, Class B Rip Rap	2	LS	\$250.00	\$500.00
4	Filter Sand	30	CY	\$100.00	\$3,000.00
5	6" Stone Layer	1	LS	\$500.00	\$500.00
6	Concrete Wer	1	LS	\$900.00	\$900.00
7	Stabilize BMP with grass	0.1	AC	\$2,500.00	\$250.00
8	12" HDPE End Section	1	LS	\$250.00	\$250.00
9	Catch Basin	1	EA	\$1,200.00	\$1,200.00
10	Double Catch Basin	1	EA	\$1,700.00	\$1,700.00
11	6" Perforated HDPE or PVC Pipe	50	EA	\$1.00	\$50.00
12	12" HDPE	34	LF	\$12.00	\$408.00
13	15" RCP	171	LF	\$25.00	\$4,275.00
14	Erosion Cotrol Matting	60	SY	\$5.00	\$300.00
15					\$0.00

*NOTE: The above includes estimated material cost with installation.

Jeffrey John Swartz, PE



SUBTOTAL	\$14,733.00
10% CONTINGENCY	\$1,473.30
TOTAL	\$16,206.30

15% OF CONSTRUCTION COSTS	\$2,430.95
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Estimated 20 Year Maintenance Cost

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT COST	ITEM COST / YR
1	Clean out the sedimentation chamber or forebay	1	YR	\$100.00	\$100.00
2	Skim sand media	1	YR	\$100.00	\$100.00
3	Replace filter media	1	YR	\$150.00	\$150.00
4	Quarterly inspection	4	YR	\$20.00	\$80.00

*NOTE: The above includes the yearly maintenance cost of Sand Filter.

SUBTOTAL PER YEAR	\$430.00
20 YEAR TOTAL	\$8,600.00

SEAL. ORIGINAL PLAN ON FILE AT THE OFFICE OF JEFFREY J. SWARTZ, PE, LEED AP. PLAN COPYRIGHT 2020 BY JEFFREY J. SWARTZ, PE, LEED AP.

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