



PLANNING & INSPECTIONS DEPARTMENT

Joshua L. Grant, Manager

To: Board of Adjustment

From: Julie Mosteller, Planner 1

Date: September 10, 2024

Re: VAR #473

ACRO Development Services, PLLC – James Peltier, PE, applicant

Parcel ID# 02337

The following information is for use by the Lincoln County Board of Adjustment at their meeting/public hearing on September 23, 2024.

Request

The applicant is requesting a variance from Section 7.5.2 of the Lincoln County Unified Development Ordinance to permit development and activity within the streamside buffer zones. The proposal is for encroachments into both Buffer Zone 1 and Buffer Zone 2. There are 5 locations requiring a variance. These locations are detailed on the enclosed map.

Section 7.5.2 states...

§7.5.2. Streamside Buffer Zones

A. A streamside buffer, consisting of an undisturbed vegetative cover, the width of the 100-year floodplain, as identified on the current Flood Insurance Rate Map (FIRM) published by FEMA, shall be established and maintained along all indicated or identified perennial and intermittent waters. Where the floodplain width is less than 50 feet measured from the top of the stream bank or no flood plain exists, a minimum 50-foot streamside buffer is required along all indicated or identified perennial and intermittent waters. Streamside buffers shall be shown by metes and bounds on all appropriate plans and plats. For the 50-foot streamside buffer, the following shall be required and in no case shall disturbance exceed the following:

B. No development, including land-disturbing activities, shall occur within streamside buffers except as listed in §7.5.3 below.

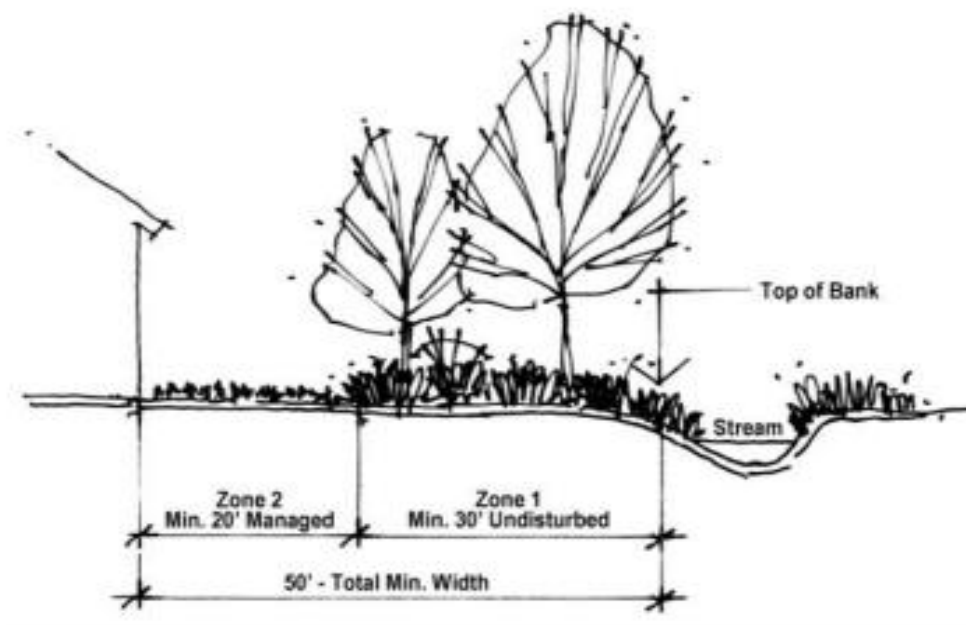


1. Buffer Zone 1

Buffer Zone 1 shall be a minimum of 30 feet from the top of bank and shall remain undisturbed. No new development is permitted within the Buffer Zone 1 except for artificial stream bank or shoreline stabilization, water dependent structures and public or private projects such as road or utility crossings or installations of greenways where no practical alternatives exist. Activities within buffer areas shall minimize impervious coverage, direct runoff away from surface waters and maximize the utilization of stormwater best management practices.

2. Buffer Zone 2

Buffer Zone 2 shall be a minimum of 20 feet extending landward from Buffer Zone 1. This buffer is an area of managed vegetation and shall be vegetated by grass, other ground cover or natural vegetation. Disturbance of existing vegetation shall be minimized to the greatest extent possible except for the installation of artificial stream bank or shoreline stabilization, water dependent structures and public or private projects such as utility service lines, road crossings or greenways where no practical alternatives exists.





PLANNING & INSPECTIONS DEPARTMENT

Joshua L. Grant, Manager

Site Area and Description

The request involves a 135.1 acre parcel located on Airlie Parkway in Catawba Springs Township. The subject property is located in the I-G (Industrial General) zoning district. The subject property is adjoined by property zoned I-G (Industrial General), R-T (Transitional Residential), R-SF (Residential Single-Family), PD-R (Planned Development Residential) and PD-MU (Planned Development Mixed Use). Land uses in this area include industrial and residential uses.



Variance Application

Lincoln County Planning and Inspections Department
115 W. Main St., Lincolnton, NC 28092
Phone: (704) 736-8440

Part I

Applicant Name ACRO Development Services, PLLC - James Peltier, PE

Applicant Address 601 S Cedar Street Suite 101 Charlotte, NC 28202

Applicant Phone Number 614-420-0543

Property Owner's Name CHIPT Charlotte Lincoln East, L.L.C.

Property Owner's Address 4525 Sharon Road Suite 250 Charlotte, NC 28211

Property Owner's Phone Number 704-236-2440

Part II

Property Location 812,946,968,890,960 Airlie Parkway

Property ID # (10 digits) 4602289559 Property Size 135.1

Parcel # (5 digits) 02337 Deed Book(s) 3113 Page(s) 67

Part III

Briefly describe how the parcel is zoned, used, and list any existing structures.

Parcel is zoned I-G (Industrial General)

Briefly explain your reason for seeking a variance.


The project will be impacting streamside buffers due to the existing site topography, driveways, and proposed storm sewer outlets. The project has intentionally designed the site to keep all streams, wetlands, and associated buffers to the maximum extend practical.

Describe the type of variance you need.

The project is requesting a variance from the streamside buffer standards of 7.5.2 in Article 7 of the UDO for the locations depicted in the attached PDF - To permit removal of vegetation in Zone 1, installation of retaining walls, pavement, headwalls, and stormwater pipes in Zone 1 and Zone 2, and placement of fill and headwalls within the jurisdictional streams

\$400 APPLICATION FEE MUST BE RECEIVED
BEFORE PROCESSING A VARIANCE REQUEST

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


Applicant ACRO Development Services, PLLC
James, Peltier, PE Director of Private Development

8/13/2024

Date

Signature below

Owner

CHIPT Charlotte Lincoln East, L.L.C.,
a Delaware limited liability company

Date

By: CHI Carolinas 104 Airlie, L.P.,
a Delaware limited partnership,
its managing member

By: CHI LTH GP, L.L.C.,
a Delaware limited liability company,
its general partner

By:


Matt Cochrane, Vice President

Date

8/13/24

Application #: _____

Date of Application: _____

Applicant's Proposed Findings of Fact

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

The particular hardships exist in the locations of Buildings 2 and 3 due to the grade difference and the centrally located streams passing through the site that extend into the building area. The standard vehicular parking dimensions, building pad dimensions, rear dock maneuvering areas, and site drives were minimized to the maximum extent practical. The project also includes detention basins and storm sewer systems that have been carefully planned to satisfy erosion control requirements and to attenuate post-developed peak flows to pre-developed rates through the 10-year storm. The storm sewer and detention outfalls extend into the the Zone 1 and Zone 2 buffer areas to minimize buffer erosion and provide sufficient depth for the system.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

The topography and location of the stream provide an extraordinary hardship for the project. The proposed improvements minimize the impacts to the buffers to the greatest extent possible, but due to the existing topography and location of the stream, minimal buffer encroachments are required.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

The existing stream location and topography are not the result of actions taken by the applicant or the property owner. The buffer encroachments have been minimized but are required due to the existing conditions.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. The minimal buffer encroachments proposed with the variance will not impact the functionality and spirit of the stream buffer that is maintained for the stream. Outside of the minor Zone 1 & 2 pavement encroachments, retaining walls, headwalls, and storm outfall structures, all other encroachments will be seeded to restore vegetation within the buffer areas.
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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: 9/10/2024

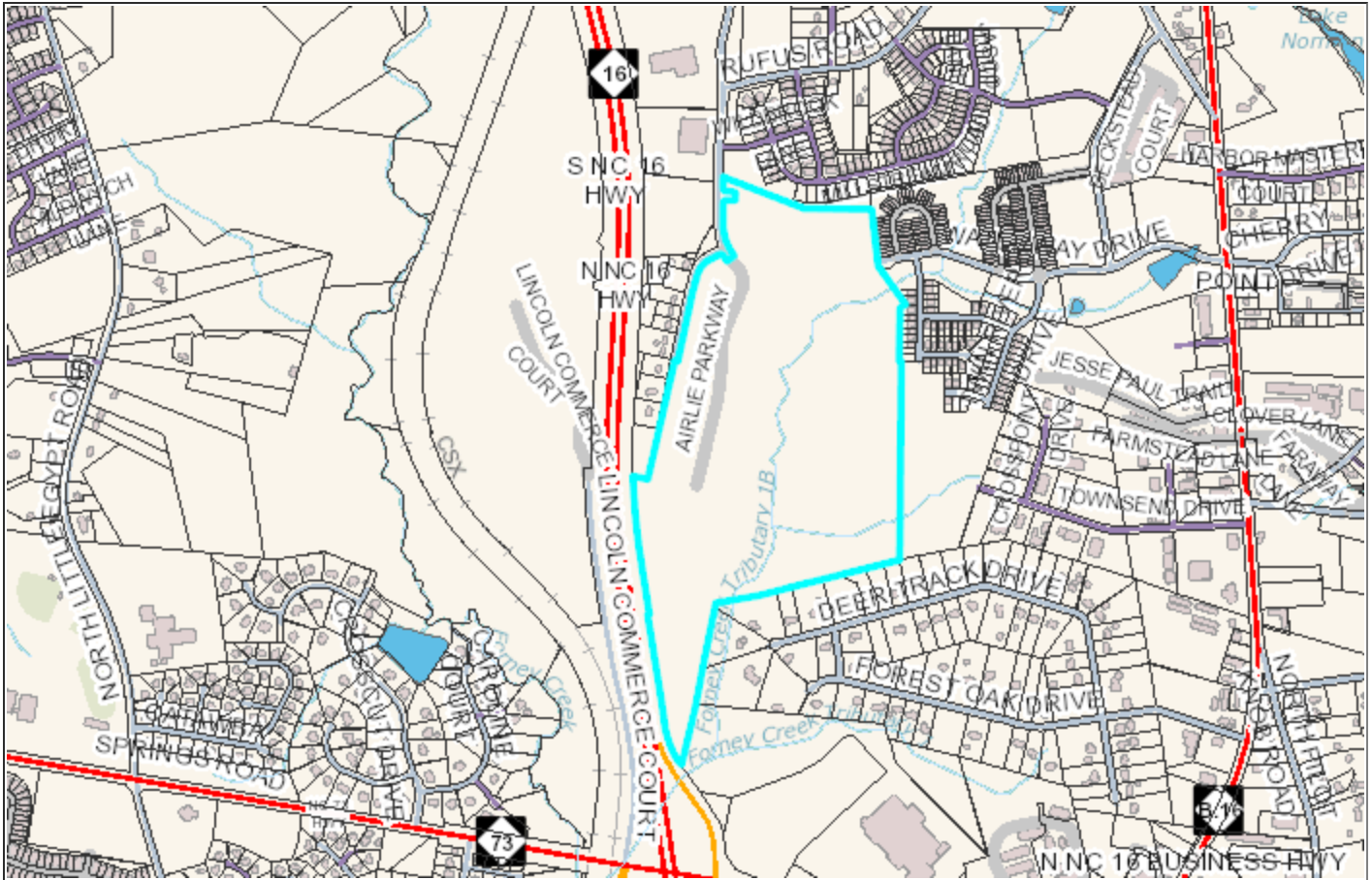


Photo Not
Available

Parcel ID	02337	Owner	CHIPT CHARLOTTE LINCOLN EAST LLC	
Map	4602	Mailing	3889 MAPLE AVE STE 200	
Account	0288673	Address	DALLAS, TX 75219	
Deed	3113 67	Last Transaction Date	12/01/2021	Sale Price \$5,320,000
Plat		Subdivision		Lot
Land Value	\$5,467,961	Improvement Value	\$0	Total Value \$5,467,961
Previous Parcel	02337			

-----All values for Tax Year 2024 -----

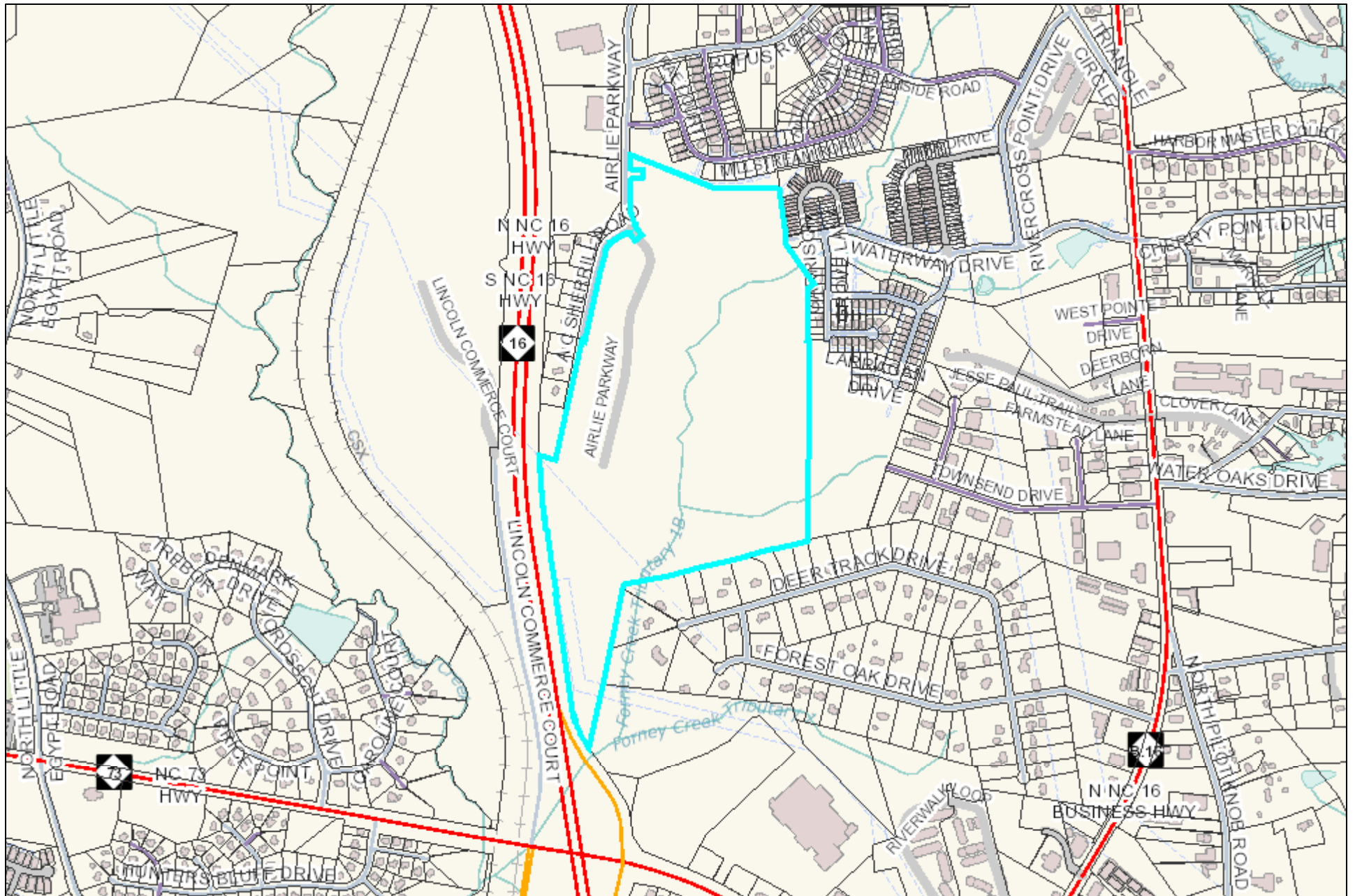
Description	FMR J W NIXON LANDSS	Deed Acres	0
Address	AIRLIE PKWY	Tax Acres	134.659
Township	CATAWBA SPRINGS	Tax/Fire District	EAST LINCOLN
Main Improvement		Value	
Main Sq Feet		Year Built	

Zoning District Calc Acres	Voting Precinct Calc Acres
	TA37 134.66

Watershed	Sewer District
134.66	60.05
	SEWER 74.61

Census County	Tract	Block	
109	071101	3011	134.66

Flood Zone Description	Panel
X NO FLOOD HAZARD	3710460200 121.57
X NO FLOOD HAZARD	3710460300 11.24



September 10, 2024

Esri, Inc., Lincoln County, NC

Lincoln County, NC

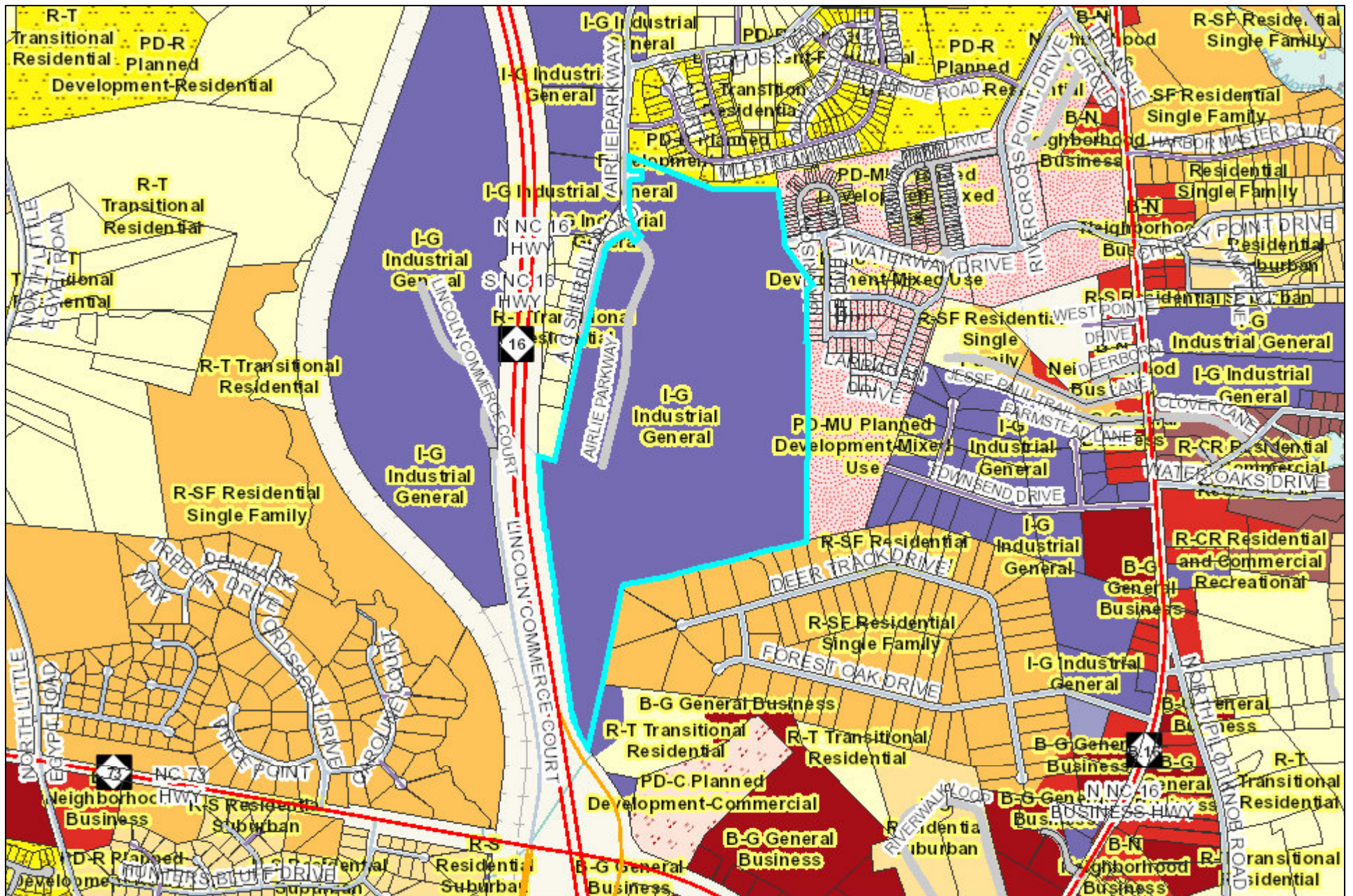
Office of the Tax Administrator, GIS Mapping Division

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0 1,000 2,000 Feet



1 inch = 1,060 feet



September 10, 2024

Lincoln County, NC

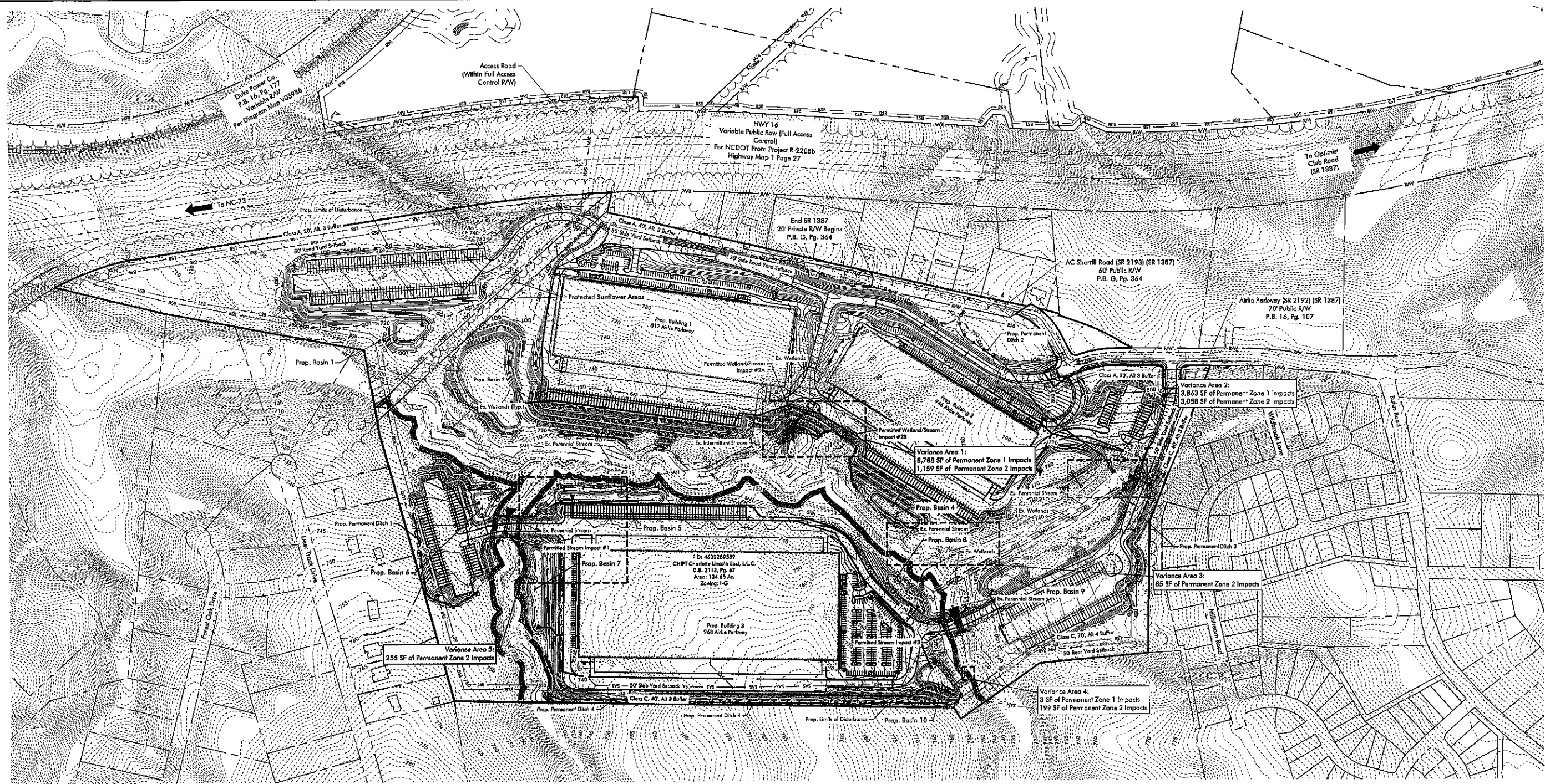
Office of the Tax Administrator, GIS Mapping Division

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Esri, Inc., Lincoln County, NC

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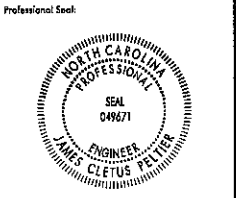


Legend

- Buffer Zone 1 Area
- Buffer Zone 2 Area
- Buffer Zone 1 Impact Area
- Buffer Zone 2 Impact Area

Limits Of Disturbance Note:
Proposed Limits of Disturbance: 93.6 Ac.

Plans Prepared By:
ACRO
DEVELOPMENT SERVICES
LAND SURVEYING-CIVIL ENGINEERING
801 S. Cedar Street, Suite 101
Charlotte, NC 28202
980-224-8518
acro@acro-ds.com



NC Firm No. P-2329

ACRO Project Number:
2021-134

Plans Prepared For:

Crow Holdings
DEVELOPMENT

Revisions:

No.	Date	Description
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Municipality Reference Number:

Project Location:
Lincoln County, North Carolina

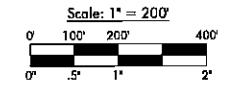
Project Name:
Lincoln Commerce Center East

Project Phase:

Date:
08/20/2024

Sheet Title:
Variance Request Exhibit

Sheet Number:
1 of 1



File Location: N:\Summa\ACRO Projects\2021-134\Lincoln County\Lincoln Commerce Center East\0324-08-06-LOCE - Variance Request Exhibit.dwg
Last Saved on: 8/20/2024 11:04 AM Last Saved By: William