

Catawba County Board of Commissioners
Regular Session, Monday, August 18, 2008, 7:00 p.m.

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The Catawba County Board of Commissioners met in regular session on Monday, August 18, 2008 at 7:00 p.m. in the 2nd Floor Meeting Room of the Government Center, Newton, North Carolina. The change of location was due the Soldiers Reunion taking place in downtown Newton.

Present were Chair Katherine W. Barnes, Vice-Chair Lynn Lail and Commissioners Dan Hunsucker, Barbara G. Beatty and Glenn E. Barger.

Also present were County Manager J. Thomas Lundy, Assistant County Manager Lee Worsley, County Attorney Debra Bechtel, Deputy County Attorney Anne Marie Pease and County Clerk Barbara Morris.

1. Chair Katherine W. Barnes called the meeting to order at 7:00 p.m. Chair Barnes explained the change of location of the regular meeting was due to the Soldiers Reunion taking place in downtown Newton.
2. Commissioner Glenn Barger led the Pledge of Allegiance to the Flag.
3. Commissioner Barbara Beatty offered the invocation.
4. Commissioner Dan Hunsucker made a motion to approve the minutes of the Regular Session of Monday, August 4, 2008. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes welcomed everyone present.
6. Public Comments:
Chair Barnes opened the floor for citizens wishing to speak.

Mr. Mike Roth from Terrell came forward to advise the Board that he was optimistic regarding a vote that would be taken at the Alcohol Beverage Control Board meeting scheduled for the following evening pertaining to a proposed ABC store site in the Sherrills Ford Area. Mr. Roth, along with many other Sherrill Ford residents, had addressed the Board of Commissioners at various times with concerns regarding the proposed location and had been advised that this would be an ABC Board decision and the Board of Commissioners could only address the zoning of the property in

question. Mr. Roth indicated he felt that all parties would be happy with the upcoming vote by the ABC Board and that he expected the proposed site to be permanently withdrawn from consideration.

Mr. Roth then presented the Board of Commissioners with a proposal to add noise, construction and time constraints on commercial projects along HWY 150 in the Sherrills Ford/Terrell Small Area Plan. He proposed any and all activity related to land clearing, site planning and construction of commercial property within 1000 feet of residences have the following constraints: no activity before 8 a.m. Monday thru Friday; no activity after sunset Monday through Friday; and no activity Saturday or Sunday. Mr. Roth was advised that his proposal would be given to the Planning staff for their review and recommendations to the Board.

7. Public Hearings:

a. Renee Hart, E-911 Addressing Coordinator, came forward to request the Board conduct a public hearing and approve a request to rename a road located southeast of Claremont. Mr. Rick Bumgarner requested the road currently named B & B Road be renamed JB Road. Mr. Bumgarner's brother, Jerry Bumgarner, lost his life on this road in May 2008 when a deer ran into the path of his motorcycle very close to his home. Due to the fact that Jerry Bumgarner spent his entire life living and working on B & B Road, his family asked that the road be renamed in memory of him. A required petition containing the signatures of at least 51% of the property owners on the road was received by the County. The requested name was not duplicated in the county. No one came forward to speak for or against this request. Commissioner Hunsucker indicated he had spoken with Mr. Rick Bumgarner and believed this would be a nice thing to do. Commissioner Hunsucker made a motion to rename the road. The Board of Commissioners unanimously voted to rename the road JB Road.

b. Chris Timberlake, Planner, came forward to request the Board conduct a public hearing regarding a request by Lowe's Home Centers Inc. to amend a PD-CD Planned Development-Conditional District rezoning of property at 5374 Highway 150 East, approved by the Board on February 18, 2008, as a result of substantial changes to the building's square footage, elimination of all outparcels, and modifications to the building.

Lowe's Home Centers, Inc. requested an amendment to the site plan, elevation drawings, and development conditions approved with a rezoning to the PD-CD Planned Development-Conditional District on February 18, 2008. The approved plan shows four parcels, three outparcels and a remaining parcel for the Lowe's building. A revised site plan received by the County on July 3, 2008, shows no outparcels. In order not to further impact a stream on the property, Lowe's has proposed eliminating the outparcels and bringing the building forward. The building setback would change from approx. 520 feet to approx. 315 feet from the edge of the Highway 150 right-of-way.

Based on the revised site plan, Lowe's is proposing a reduction in the building size from 172,953 square feet to 155,433 square feet, which includes a garden center. The approved site plan shows the building dimensions as 500 feet wide by 400 feet deep, while the revised site plan shows it at 580 feet wide by 290 feet deep. Under the floor area ratio for a PD Planned Development, there must be two square feet of land area for every square foot of building space. Based on the 155,433 square feet of building area, there must be a minimum of 504,642 square feet of land area. Since the property is 1,009,285 square feet in size, it meets the floor area ratio requirement.

The Catawba County Unified Development Ordinance (UDO) requires four parking spaces for every 1,000 square feet of retail space. The proposed retail area is 124,076 square feet, which would require 496 parking spaces. The Mixed Use Corridor Overlay (MUC-O) in this area allows for a reduction in parking, provided the applicant presents market studies or documented industry standards. Lowe's has submitted a parking study indicating that an average of 3.2 parking spaces per 1,000 square feet of building space (434 parking spaces) is necessary. The site plan shows that 450 parking spaces will be provided. The UDO requires that only one parked commercial vehicle be visible from the streets. Lowe's plan states that its commercial vehicles will not be parked in the front parking lot during normal business hours. As required by the UDO, there will be a bicycle parking area on the site.

The on-premise Lowe's sign currently approved along Highway 150 is to have a maximum height of 25 feet and signage area of 92 square feet. As proposed, the Lowe's monument sign would not compete visually with other on-premise signs because of the removal of the outparcels, so it is reasonable that the monument sign now meet the current standards of the UDO, which allows a maximum height of 16 feet and signage area of 50 square feet. The approved area allowed for wall signage on the Lowe's building is approximately 455 square feet. In the MUC-O, the UDO allows 10% of the wall surface for signage, up to a maximum of 30 square feet. The proposed plan requests that the signage allowance stay the same, although the building would move closer to Highway 150, and that the color scheme change from blue day/white night on a light beige background to a constant white on a blue background. Because Lowe's is proposing to move the building 39% closer to the road, the wall signage area should be reduced by 39%, allowing approximately 278 square feet, and remain in the blue day/white night scheme. Lowe's is continuing a request for a 60 foot high pylon sign, with a signage area of 148 square feet. The pylon sign meets the dimensional size of a limited access user's sign provided under the UDO, but limited access user's signs are only intended to be located along Interstate 40. Because the future Highway 16 bypass is a lesser classified road than I-40, has lower posted speed limits than I-40 and is an entry way into Catawba County, the pylon sign was not recommended by staff.

The revised MUC-O standards require that the first floor of all building facades, fronting public or private streets, must be designed to complement architectural aesthetics by including glass windows or doors, false window panels and treatments, awnings, murals or framed openings comprising at least 20% of the wall area. Although the areas of the facades for glass windows or doors have changed, the front and left elevations still meet the requirements. The building façade has been amended to not include brick on the front of the building.

The Catawba County Planning Board conducted a public hearing on July 28, 2008. An adjacent property owner made a request that Lowe's provide an access easement for interconnectivity. The Planning Board determined that, based on the UDO, it should not mandate an access easement for interconnectivity because site plans for each site were not being submitted simultaneously and there was insufficient information from the adjacent property owner regarding slope, topography, and construction details and timelines. There was discussion about the pylon sign and wall signage. Both the applicant and a current property owner felt the size of the signage was necessary. The Planning Board felt that reducing the wall signage would make the size of the signs disproportionate to the building, that the sign color scheme proposed by Lowe's is acceptable, and that the pylon sign was a benefit to the traveling public and would not negatively impact the aesthetics of the area. The Planning Board voted 6-0 to recommend adoption of a statement affirming the consistency of the rezoning request with the Sherrills Ford Small Area Plan; and the amendment of the existing Planned Development, based on site plan and elevation drawings dated June 16 and 30, 2008, the Sherrills Ford Small Area Plan's recognizing the parcels as being in an area proposed for regional/commercial mixed use development and the purpose of the PD-CD Planned Development, subject to the façade treatment for the front of the garden center canopy remaining as it shown on elevation drawings approved on February 18, 2008.

Several representatives of Lowe's Home Centers, Inc. came forward to clarify some of the proposed changes and to respond to numerous questions posed by the Board. During the public hearing one citizen voiced his concerns regarding the pylon sign and changes in the façade of the building while several citizens spoke in favor of approving the proposed changes.

After lengthy discussions, the Board unanimously voted to concur with the STAFF's recommendations (rather than the Planning Board) which were that the façade treatment for the front of the garden center canopy remain as it was on the originally approved plans; the signage color scheme remain the same as it was on the originally approved plans; there be a reduction of the monument sign from the proposed 92 sq. ft panel size and 25 foot height to a 50 sq. ft. panel size with a maximum 16 foot height to meet the UDO requirement; the omission of the pylon sign consistent with the recommendation from staff to the Board of Commissioners at the previous public hearing held February 18, 2008 and, in addition to these staff recommendations, that the front façade details on the originally approved plans remain in place and are proportional to the new dimensions of the building and the brick façade on the originally approved plans remain in place.

Vice-Chair Lail made a motion to amend the rezoning of the subject property with the specific conditions which are set forth in the following consistency statement and Ordinance. The motion carried unanimously.

ZONING MAP AMENDMENT CONSISTENCY STATEMENT

On August 18, 2008, the Catawba County Board of Commissioners conducted a Public Hearing for the purpose of considering a zoning map amendment at the request of Lowe's Home Centers Inc. (Case #RZ2008-006).

Upon considering the matter, the Catawba County Board of Commissioners finds the item to be consistent with the Sherrills Ford Small Area Plan and approve the zoning map amendment with the following conditions:

- a. That the façade treatment for the front of the garden center canopy remains as it was on the 02/18/08 approved elevation drawings.
- b. That the signage color scheme (blue day/white night with light beige background) remain the same.
- c. The reduction of the monument sign from the proposed 92 sq. ft. panel size and 25 foot height to a 50 sq. ft. panel size with a maximum 16 foot height to meet the UDO requirements.
- d. The reduction of wall signage by 39 percent from the proposed 455 sq. ft. to 278 sq. ft.
- e. The omission of the pylon sign consistent with the recommendation from staff to the Board of Commissioners at the previous public hearing held February 18, 2008.
- f. The façade details on the originally approved plans remain in place and are proportional to the new dimensions of the building.
- g. The brick façade on the originally approved plans remain in place.
- h. Right of way designation indicated on the final site plans.

This approval was affirmed by a vote of 5 - 0 of the Catawba County Board of Commissioners.

Ordinance No. 2008-_____

AMENDMENT TO THE CATAWBA COUNTY ZONING MAP

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, that the Catawba County Official Zoning Atlas is hereby amended by rezoning the following described property from R-20 Residential to PD-CD Planned Development-Conditional District with the following conditions:

- a. That the façade treatment for the front of the garden center canopy remains as it was on the 02/18/08 approved elevation drawings.
- b. That the signage color scheme (blue day/white night with light beige background) remain the same.
- c. The reduction of the monument sign from the proposed 92 sq. ft. panel size and 25 foot height to a 50 sq. ft. panel size with a maximum 16 foot height to meet the UDO requirements.
- d. The reduction of wall signage by 39 percent from the proposed 455 sq. ft. to 278 sq. ft.
- e. The omission of the pylon sign consistent with the recommendation from staff to the Board of Commissioners at the previous public hearing held February 18, 2008.
- f. The façade details on the originally approved plans remain in place and are proportional to the new dimensions of the building.
- g. The brick façade on the originally approved plans remain in place.
- h. Right of way designations indicated on the final site plans.

One parcel totaling 22.82 acres located at 5374 East NC 150 HWY in the Sherrills Ford Small Area Planning District, Mountain Creek Township, and further identified as Parcel Identification Number 3686-14-33-0207.

PLAN CONSISTENCY STATEMENT:

Pursuant to NCGS 153A-341, and upon consideration of the recommendations and guiding principles of the Sherrills Ford Small Area Plan, the Catawba County Board of Commissioners finds the rezoning request to be consistent with the Sherrills Ford Small Area Plan with the above itemized conditions.

This, the 18th day of February 2008.

8. Appointments: None.

9. Consent Agenda:

County Manager Lundy presented the following items for Board consideration under the Consent Agenda.

a. A request to approve a supplemental appropriation of \$15,300 to account for funds received from Duke Energy, for training exercises related to the McGuire Nuclear Station, beyond the amount originally anticipated by the County. Duke Energy approved an additional \$3,000 to support the County's Citizen Alert Notification phone system, agreeing that the system will be beneficial to citizens in the event of an actual emergency. Duke Energy also approved \$12,300 in additional funds to make upgrades to a trailer that is deployed to county responders to assure they have the ability to properly mitigate a radiation or nuclear event. These upgrades will consist of the replacement of radiation monitors and equipment for decontamination. The following appropriations apply:

Revenue		Expense	
110-260060-682200	12,300	110-260060-870150	12,300
Emerg Mgt Grant/Duke Energy		Minor IT Equipment	
204-270100-682200	3,000	204-270100-841505	3,000
Emerg Mgt Grant/Duke Energy		Telephone Services	

b. A request for the Board to approve a two-year extension to Catawba County's existing five-year financial commitment to fund the efforts of the Protect the Catawba Coalition. On September 18, 2006, the Board approved a five-year financial commitment to the Coalition's efforts in opposition to the interbasin transfer (IBT) of water from the Catawba River basin. This commitment included \$50,000, plus \$5000 for lobbying, for fiscal year 2007 and \$50,000 per year for fiscal years 2008-2011. At its May 1, 2008 meeting, the Protect the Catawba Coalition determined that legislative activities needed to be monitored in order to protect the improved IBT law, in addition to the completion of the discovery process during the current appeal of the approved IBT. The consensus of coalition members was to request that all jurisdictions individually extend their five-year financial commitments for an additional two years to fund the appeal to conclusion and fund possible lobbying expenses. This extension of the County's commitment is for an additional \$50,000 per year from fiscal years 2011-2013.

Chair Barnes asked if any Board member wished to have an item broken out of the consent agenda and none were requested. Commissioner Barger made a motion to approve the consent agenda. The motion carried unanimously.

10. Departmental Reports.

Economic Development Corporation:

Scott Millar, President of the Economic Development Corporation came forward to present a request that the Board approve an agreement by and among Catawba County, Poppelmann Properties USA LLC, and Poppelmann Plastics USA, Inc., for economic incentives related to new development. As a result of Poppelmann's current use of outside warehousing facilities and the current foreign exchange rate, Phase II of Poppelmann's development plan is moving forward sooner than anticipated. The company is considering a second 60,000 square foot building with a proposed cost of between \$5 and \$8 million upon occupancy, upfit and equipment.

Poppelmann qualifies as a "Most Favored Business" under FORESIGHT Long Range Plan guidelines, and greatly exceeded the anticipated investment in Phase I of the expansion. While its contractual obligation to the County for investment was for \$8 million in improvements, the company's final expenditures exceeded \$18 million. Two similar Poppelmann sites in Germany are similarly designed and are built-out, with a third site ready to begin construction of multiple buildings,

further demonstrating that the company is on very solid financial footing. Catawba County typically requires new job creation for consideration of "Most Favored Business" incentives, and no new employees will be expected with this project. Poppelmann understands that no additional economic incentives for any future expansions or projects will be discussed unless there are a significant number of new jobs created.

To encourage the construction of Phase I of the project, Catawba County participated in a \$30,000 grant toward assisting the City of Claremont with construction of a rail spur to serve the Poppelmann facilities, and awarded \$200,000 to Poppelmann in an incentive grant. All current County obligations for previous phases have been met. Claremont's rail obligations have grown from original cost estimates of \$680,000 to around \$1.8 million. The Golden Leaf Foundation's commitment to a grant of \$150,000 has been maintained, and a North Carolina Department of Transportation rail grant was increased from \$75,000 to \$200,000 in recent weeks. The City of Claremont is seeking to bid and award construction on the rail spur in the third quarter of 2008.

Construction on the new facility will begin by September 2008. Additional facilities for production of automobile parts, pharmaceutical plastics, food/beverage containers, various plastics products, and offices are likely in the future.

In order to encourage the continued expansion opportunity and new development to assist Claremont's ability to construct the rail spur, the County chose to participate in a Most Favored Business incentive with certain stipulations: that Poppelmann will agree to hire future employees under age 25 that have a high school diploma at a minimum, and that any future projects awarded Most Favored Business Incentives will require a substantial number of jobs exceeding the County average wage. The County is moving toward an educational requirement for incentive consideration, with a contractual stipulation that all employees hired under the age of 25 must have a high school diploma. Poppelmann's current commitment to education is very strong. It require Workkeys Testing and Career Readiness Certification as a condition of hiring employees and is pushing for Apprenticeship training.

The Catawba County incentive will be based on 67% of the increased tax base on the facility/equipment for five years, with a maximum total grant of \$28,676 per year.

Vice-Chair Lail made a motion to approve this agreement for economic incentives for Poppelmann. The motion carried unanimously.

11. Other items of Business. None.
12. Attorneys' Report: None.
13. Manager's Report. None.
14. The meeting adjourned at 8:50 p.m.

Katherine W. Barnes, Chair
Board of Commissioners

Barbara E. Morris, County Clerk