

AGENDA

Catawba County Board of Commissioners Meeting
Monday, May 4, 2020, 7:00 p.m.
Board of Commissioners Meeting Room
2nd Floor, Catawba County Justice Center
100 Government Drive, Newton, NC

1. Call to Order.
2. Pledge of Allegiance to the Flag.
3. Invocation.
4. [Approval of the Minutes from the Board's Regular Meeting and Closed Session of April 20, 2020.](#)
5. Recognition of Special Guests.
6. Public Comments.
7. Presentations.
 - a. [Peace Officers' Memorial Day and National Police Week Proclamation. Presented to Sheriff Don Brown.](#)
 - b. [Emergency Medical Services Week Proclamation. Presented to Emergency Medical Services Manager Sylvia Fisher.](#)
8. Public Hearing:
[Rezoning Request – 20.6 Acre Non-Residential Development. Presented by Assistant Planning Director Chris Timberlake.](#)
9. Appointments.
10. Manager's Report.
[Amendment to Construction Management Services Agreement for Subtitle D Landfill Cell Construction Unit 3 Phase 2.](#)
11. Other Items of Business.
12. Attorneys' Report.
[Amendment to Catawba County Code of Ordinances, Chapter 2 Administration, Division 4 Board of Trustees of Catawba Valley Medical Center, Section 2-341 Meetings.](#)
13. Adjournment.

PERSONS WITH DISABILITIES: Individuals needing assistance should contact the County Clerk at 828-465-8990 within a reasonable time prior to the meeting. Participation in public meetings is without regard to race, ethnicity, religion, sex, age, or disability.

CALENDAR: The next Regular May Board of Commissioners Meeting will take place on Monday, May 18, 2020, at 7:00 p.m. The Board will hold two additional Special Meetings in May – Budget Hearings with Departments on Thursday, May 21, 2020, at 8:00 a.m., in the Robert E. Hibbitts Meeting Room in the 1924 Courthouse, and a Budget Public Hearing and Wrap-Up on Thursday, May 28, 2020, at 7:00 p.m., in the Board of Commissioners Meeting Room of the Catawba County Justice Center.

Government of Catawba County, North Carolina

“Keeping the Spirit Alive Since 1842!”

PROCLAMATION

Peace Officers’ Memorial Day and National Police Week

WHEREAS, in communities across this nation, there are more than 900,000 Law Enforcement Officers who are committed to the preservation of life and property, risking their lives to protect us from all who would mock the law. These Officers provide protection, law and order and serve the cause of justice; and

WHEREAS, police officers, including members of the Catawba County Sheriff’s Office, accept a profound responsibility and work to uphold our laws, safeguard our rights and freedoms, and serve on the front lines in the fight against crime and injustice; and

WHEREAS, since the first recorded death in 1791, more than 20,000 police officers in the United States have made the ultimate sacrifice and have been killed in the line of duty; and

WHEREAS, President John F. Kennedy proclaimed May 15th as National Peace Officers’ Memorial Day to honor the deeds of those courageous men and women who have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and proclaimed U.S. flags should be flown at half-staff on this date; and

WHEREAS, Congress has designated the calendar week in which May 15th falls be known as National Police Week, where the service and sacrifice of all officers killed in the line of duty will be honored; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.

NOW, THEREFORE, the Catawba County Board of Commissioners, does hereby proclaim the week of May 10-16, 2020 as Police Week in the County of Catawba, NC and calls upon all citizens to publicly salute ALL police officers, past and present, who by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities across the nation.

The Catawba County Board of Commissioners further calls upon all citizens of the Catawba County to observe May 15, 2020, as Peace Officers Memorial Day to honor those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

This the 4th day of May, 2020.

Randy Isenhower, Chair
Catawba County Board of Commissioners

Government of Catawba County, North Carolina

“Keeping the Spirit Alive Since 1842!”

PROCLAMATION

EMERGENCY MEDICAL SERVICES WEEK

May 17-23, 2020

WHEREAS, emergency medical services (EMS) is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week.

NOW, THEREFORE, THE CATAWBA COUNTY BOARD OF COMMISSIONERS does hereby proclaim the week of May 17-23, 2020 as "Emergency Medical Services Week in Catawba County" and encourages the community to observe this week with appropriate programs, ceremonies, and activities.

This the 4th day of May, 2020.

**Randy Isenhower, Chair
Catawba County Board of Commissioners**

MEMORANDUM

TO: Catawba County Board of Commissioners

FROM: Chris Timberlake, Assistant Planning Director

DATE: May 4, 2020

IN RE: Rezoning Request – 20.6 Acre Non-Residential Development

REQUEST

The Board of Commissioners conducts a public hearing to receive citizen comments and considers a request to rezone approximately 20.6 acres to Planned Development-Conditional District (PD-CD) (RZ2020-02) and authorizes the high-density development option (engineered stormwater controls) to allow for a non-residential development.

REVIEW/BACKGROUND

Land Use and Zoning of the Subject Properties

The proposed development area is currently zoned R-40 Residential which requires a minimum lot size of 40,000 square feet. It is a low-density residential district providing for single-family housing and agricultural uses. The PD-CD district provides for master planning of larger development projects based on firm development proposal. It also allows for specific development conditions/uses not necessarily identified in the existing Unified Development Ordinance.

The subject parcel is identified by Parcel Identification Number 368601351353. It is identified within the Sherrills Ford Small Area Plan, Highway 16 South Development Plan, NC Highway 150 Corridor Plan and is in in the Mountain Creek Township.

Adjacent Properties

- **North** – Parcel 5 on the attached maps is zoned R-40 Residential and is undeveloped.
- **South** – Parcel 8 on the attached maps is zoned R-20 Residential and contains a single-family home. Parcels 9 – 12 are zoned R-40 Residential. Three of the parcels contain single-family homes while one parcel is undeveloped.
- **East** – Parcels 6 and 7 on the attached maps are zoned R-40 Residential. There is a single-family residence on Parcel 7 and some of the accessory structures appear to extend onto Parcel 6.
- **West** – Parcels 2 – 4 and 13 on the attached maps are zoned R-40 Residential. Parcels 3, 4 and 13 contain single-family homes. Parcel 2 is undeveloped.

Rezoning History of Subject Parcels and Surrounding Area

None to report.

Zoning Standards and Project Description

Chad Cooke is requesting Planned Development-Conditional District Zoning (PD-CD) and the high-density development option to provide for a maximum four lot nonresidential development. He has expressed his desire to be proactive with regard to NCDOT's widening of NC 150. Mr. Cooke has worked with Shabeldeen Engineering to prepare a conceptual site plan that identifies the potential future development of the property. He would like to relocate the light equipment rental known as Cooke Rentals to Parcel 1 as part of the initial development. Parcel 2 would allow him to move the event planning business, in a future phase, once NCDOT begins construction of NC 150 (in 2028). Parcels 3 and 4 would not be developed until public sewer is available to the site but would offer location of commercial/retail and multi-family uses.

The initial phase (Parcel 1) would include the site work of Parcel 1 including all screening and vegetation to the west of Parcel 1 and east of Parcel 2. The privately maintained road would be built to state standards and extend beyond the second entrance of Parcel 1, but not into the areas identified for Parcels 3 and 4 until they are developed. The plan identifies maximum square footage of commercial/retail buildings for future phases. A wrought iron decorative fence and vegetation is proposed along the internal development road and East Maiden Road. An 8' tall privacy fence and vegetation is planned along Bucks Garage Road. A lighted 18' diameter concrete pad is proposed within the fence area to display equipment.

The Cooke Rental building façade would include brick accents and metal panels with a stucco finish along with fenestration (windows and doors) meeting the Mixed Use Corridor-Overlay standards. The property is located within the Watershed Protection-Overlay (WP-O) WS-IV Protected Area. The WS-IV Protected Area Watershed limits maximum built-upon area (imperviousness) to 36% without the Board of Commissioners authorizing use of the high-density option which then provides for up to 70% through use of engineered stormwater controls. Stormwater controls collect and treat on-site stormwater as required by the State. A portion of the property exists in the Mixed-Use Corridor Overlay which has specific regulations related to aesthetic appearance and pedestrian related design. Area set aside inventory exist outside of the Mixed-Use Corridor Overlay and behind the proposed wooden fence.

Utilities

Public water exists along East Maiden Road. Mr. Cooke would be responsible for connecting to the existing water line. Public sewer is approximately 1,800 feet south of the property along NC 150.

Transportation

East Maiden Road is identified as a minor collector road in the County Thoroughfare Plan. Most recent reported traffic counts from 2017 east of the site on East Maiden Road measured 2,900 Annual Average Daily Traffic (AADT). Counts taken approximately 1.25 miles west of the site measured 4,000 AADT. The Thoroughfare Plan recommends minor lane widening for safety reasons.

Bucks Garage Road is a local residential road. There are no available traffic counts for Bucks Garage Road nor are there any recommended improvements in the Thoroughfare Plan.

Land Use Plan

Map 5, 'Future Land Use Recommendations', found within the Sherrills Ford Small Area Plan, adopted February 17, 2003 identifies a portion of the property within a recommended regional commercial/mixed use area. Within the Highway 16 South Development Plan, adopted December 2010, Map 6 titled "Future Land Use & Economic Opportunity" identifies the property in an area recommended for mixed use and a transitional area. The mixed-use areas are generally served by higher density residential, commercial and office-institutional uses while the transitional area provides for mixed use development, multi-family, commercial and light industrial uses. Map 6, 'Future Land Use & Economic Opportunity', within the Highway 150 Corridor Plan, which was adopted on September 8, 2014, recommends uses including mixed-use, commercial and/or multi-family. The request is consistent with the adopted land use plans recommendations for commercial use and reasonable for consideration.

Planning Board Public Hearing

The Planning Board held a public hearing on February 24, 2020 to consider the request. Three people spoke in opposition to the request. Some of the concerns shared by the citizens included the use felt industrial in nature, might impact ground water quality, a portion (Parcels 3 and 4) of the proposal is speculative, there would be outdoor storage, and the overall use would have potential negative impacts on surrounding land uses. Mr. Cooke shared his background in equipment rental and need for expansion along with his desire to relocate the business ahead of the NC 150 widening project. Mr. Cooke indicated that he intends to include an internal wash bay and oil separator. He felt heavy equipment might include bulldozers and metal track equipment, items Cooke Rentals does not offer. The current location has great business, but is out of space and needs to expand.

A couple of questions from the Planning Board included inquiry into the small area plan recommendations in relationship to the proposed plan (proposed and future uses) and if the board could recommend rezoning just a portion (Parcels 1 and 2) of the proposed plan.

STAFF AND PLANNING BOARD RECOMMENDATION

Staff recommended and the Planning Board voted 6 – 2 to submit a favorable recommendation to the Board of Commissioners to rezone the property (approximate 20.6 acres) from R-40 Residential to Planned Development-Conditional Zoning District (RZ2020-02) to allow the use of Cooke Rentals on Parcels 1 and 2 and the future commercial/retail/multi-family development use of Parcels 3 and 4 and authorize the high-density development option based upon:

1. The conceptual site plan prepared by Shabeldeen Engineering with modifications meeting all setback and open space requirements;
2. The proposed architectural sketches prepared by Ray Campbell, AIA;
3. The location of the site in proximity to NC 16 By-pass, a four-lane divided major thoroughfare;
4. The high-density option improving water quality by capturing stormwater runoff and treating it through State approved Best Management Practices (BMPs); and
5. The proposed request being consistent with adopted land use plans.

Applicant

Chad Cooke

Request

Rezone approximately 20 acres from R-40 Residential to Planned Development - Conditional Zoning District (PD-CD) (RZ2020-02)

Location

PIN 3686-01-35-1353

(Intersection of East Maiden Road/Bucks Garage Road)

Date

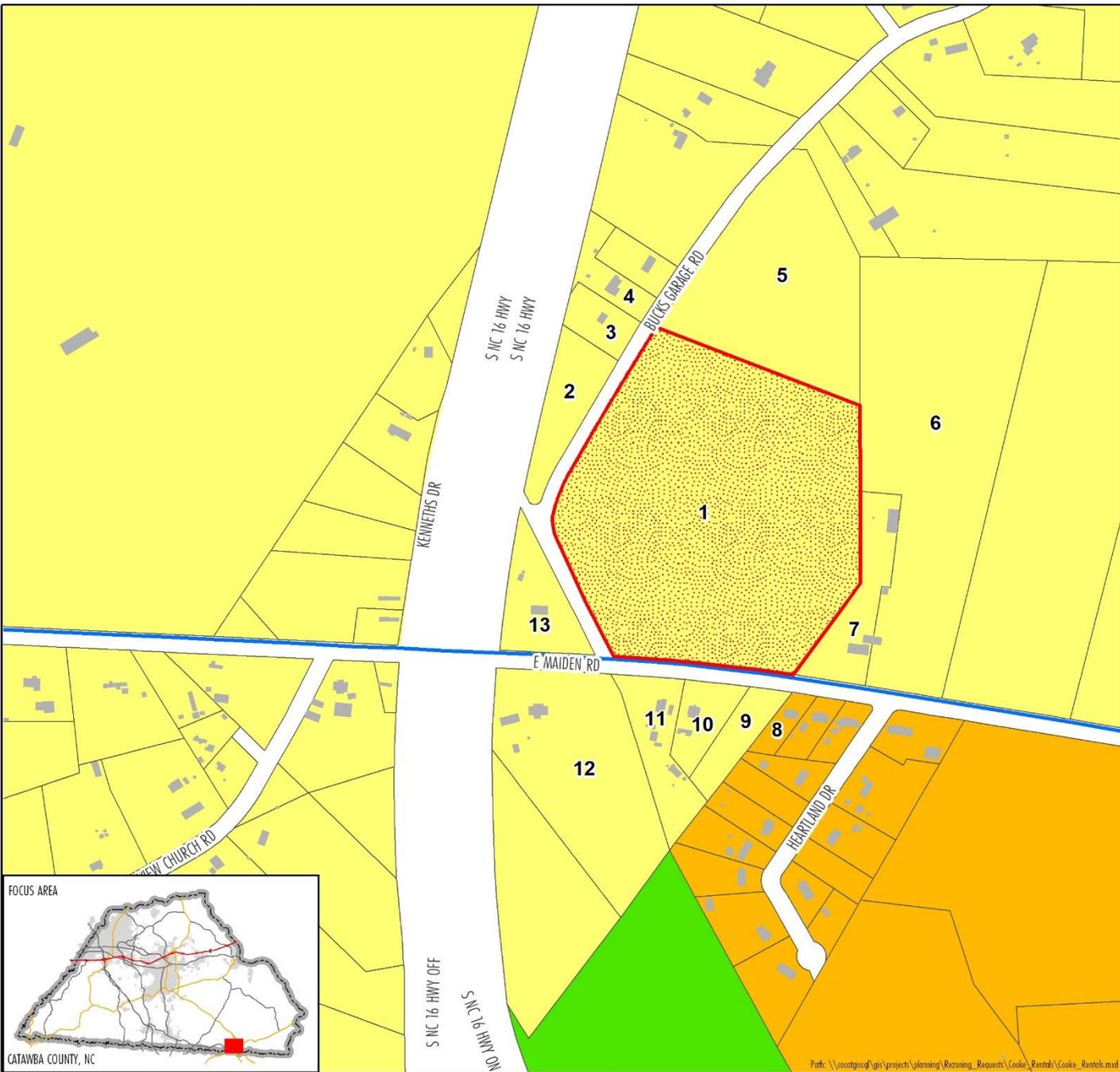
May 4, 2020

CATAWBA COUNTY REZONING REQUEST

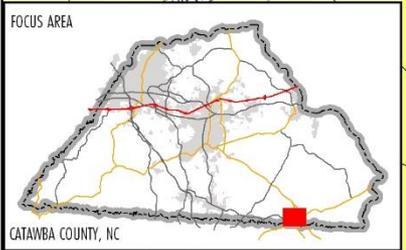


catawba county
MAKING. LIVING. BETTER.

Applicant: Cooke Rentals - Chad Cooke
 PIN: 3686-01-35-1353
 Current Zoning: R-40
 Proposed Zoning: PD-CD
 Overlays: WP-O, MUC-O
 Subject Parcel Size: 20.62 Acres



-  Subject Parcel
-  Structures
-  Waterlines
- County Zoning**
-  PD-CD
-  R-20
-  R-40



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2 inch = 450 feet

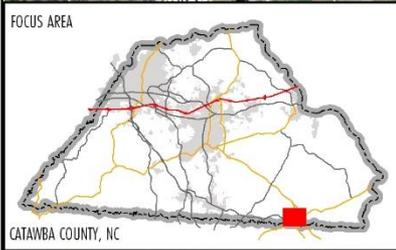
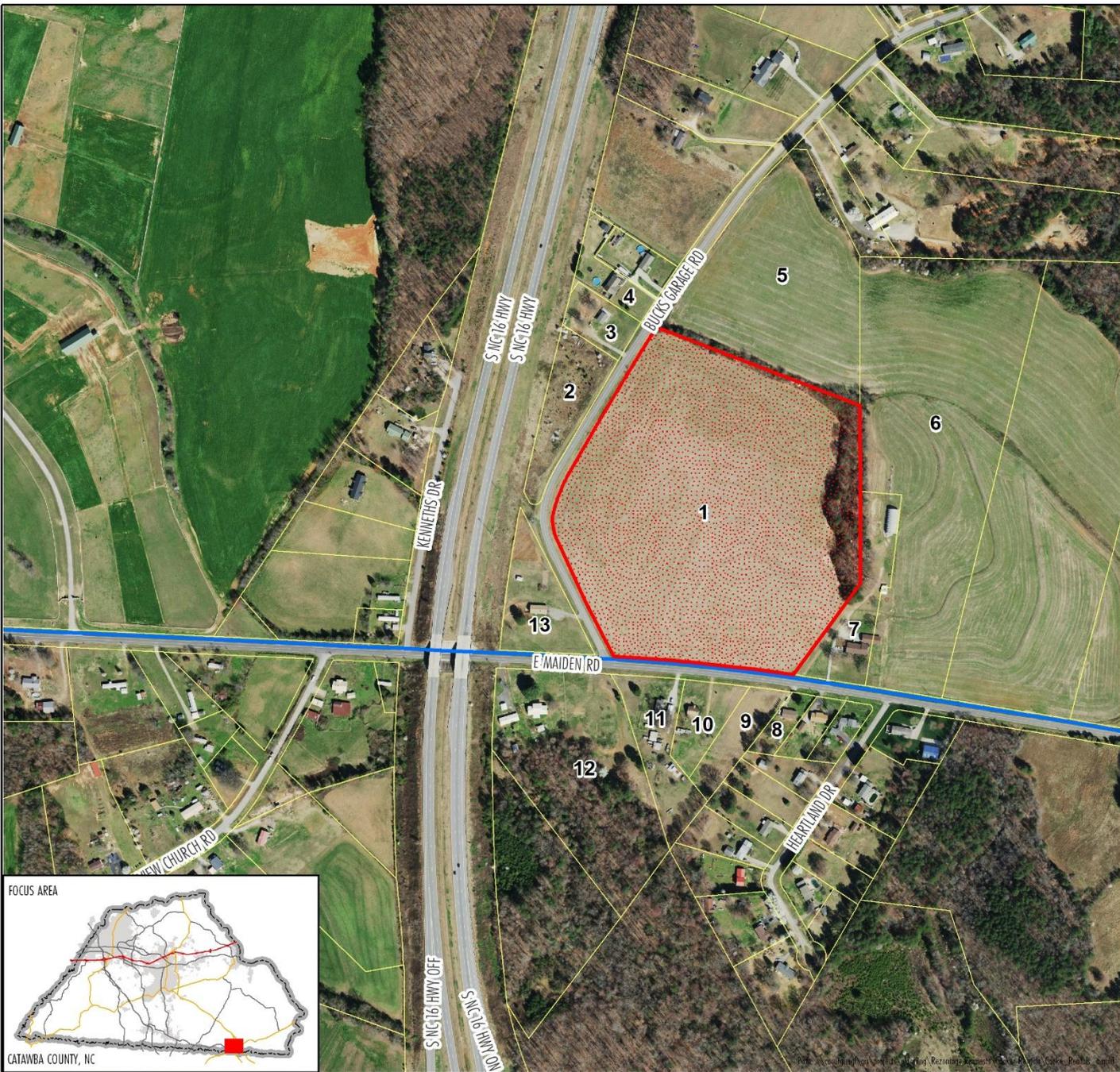
CATAWBA COUNTY REZONING REQUEST



catawba county
MAKING. LIVING. BETTER.

Applicant: Cooke Rentals - Chad Cooke
 PIN: 3686-01-35-1353
 Current Zoning: R-40
 Proposed Zoning: PD-CD
 Overlays: WP-O, MUC-O
 Subject Parcel Size: 20.62 Acres

-  Subject Parcel
-  Parcels
-  Waterlines



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3 inch = 450 feet

Subject Property



Adjacent Property - East



Adjacent Properties – North



Adjacent Properties – South/West



Review – Existing and Proposed Zoning

- R-40 Residential district requires a minimum lot size of 40,000 square feet (1 acre) and is a low-density residential district providing for single-family and agricultural uses.
- Planned Development-Conditional Zoning District provides for master planned development based on a firm development proposal. It also provides for consideration of certain situations that are not necessarily predetermined by or within the Unified Development Ordinance.

0 100 200
FEET
SCALE: 1"=100'



LEGEND

- SHADE TREE
- MEDIUM SHRUB
- ASPHALT
- BUILDINGS
- CONCRETE
- GRAVEL
- LANDSCAPING

NOTE: ALL OTHER AREAS SHALL BE GRASS AND CONSIDERED OPEN SPACE.



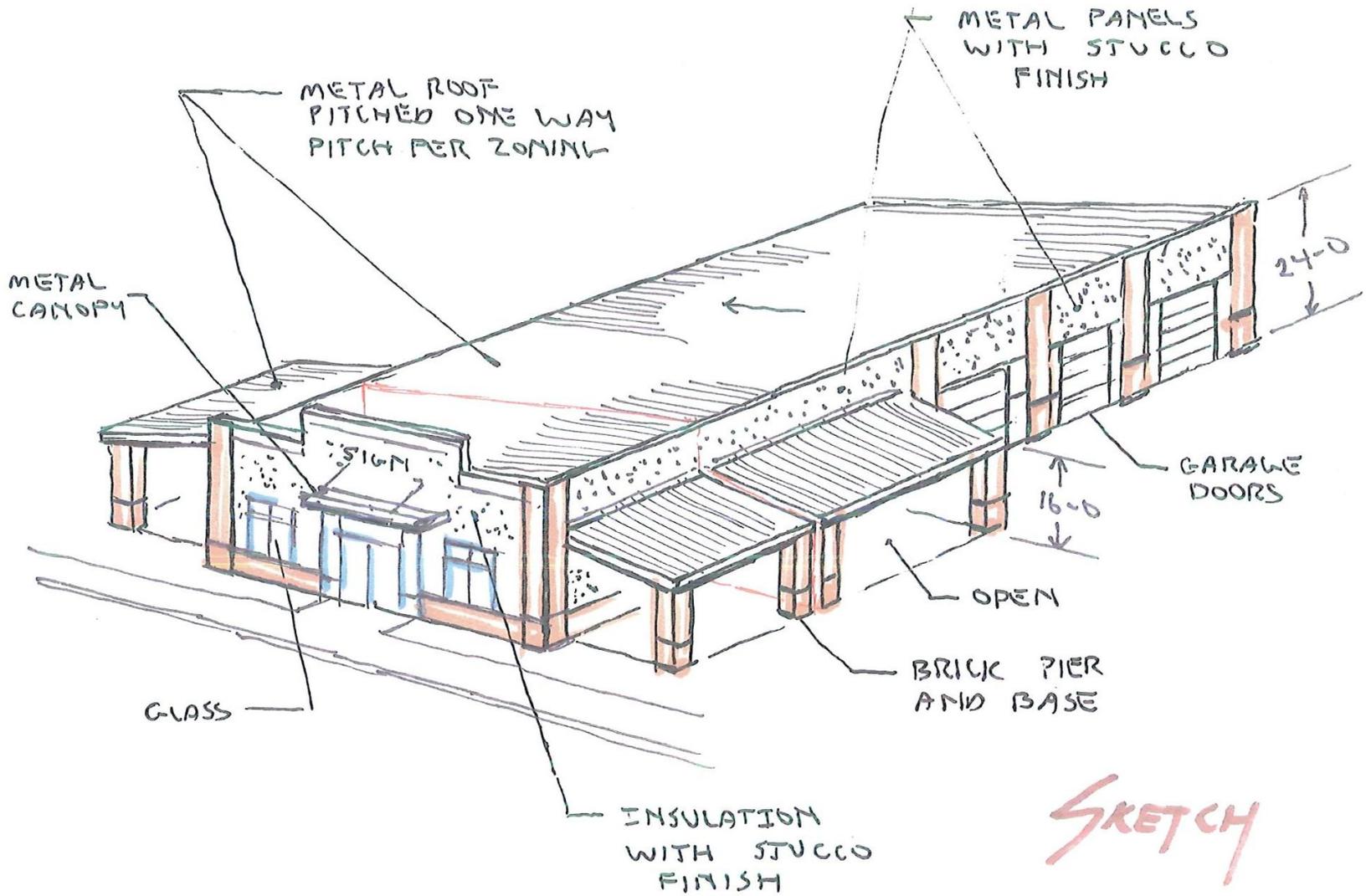
SITE IMPROVEMENTS
COOKE RENTALS
 MAIDEN, NC
 PIN 368601351353

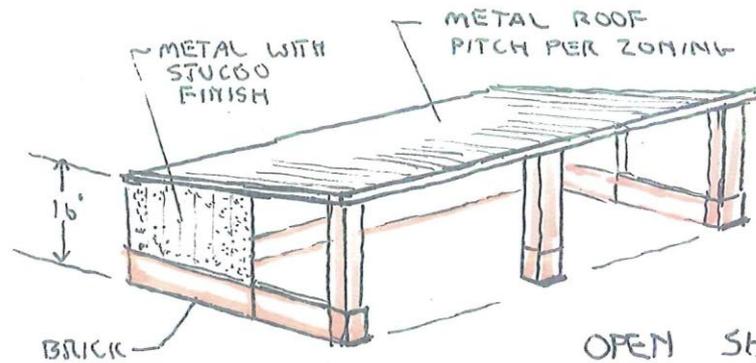
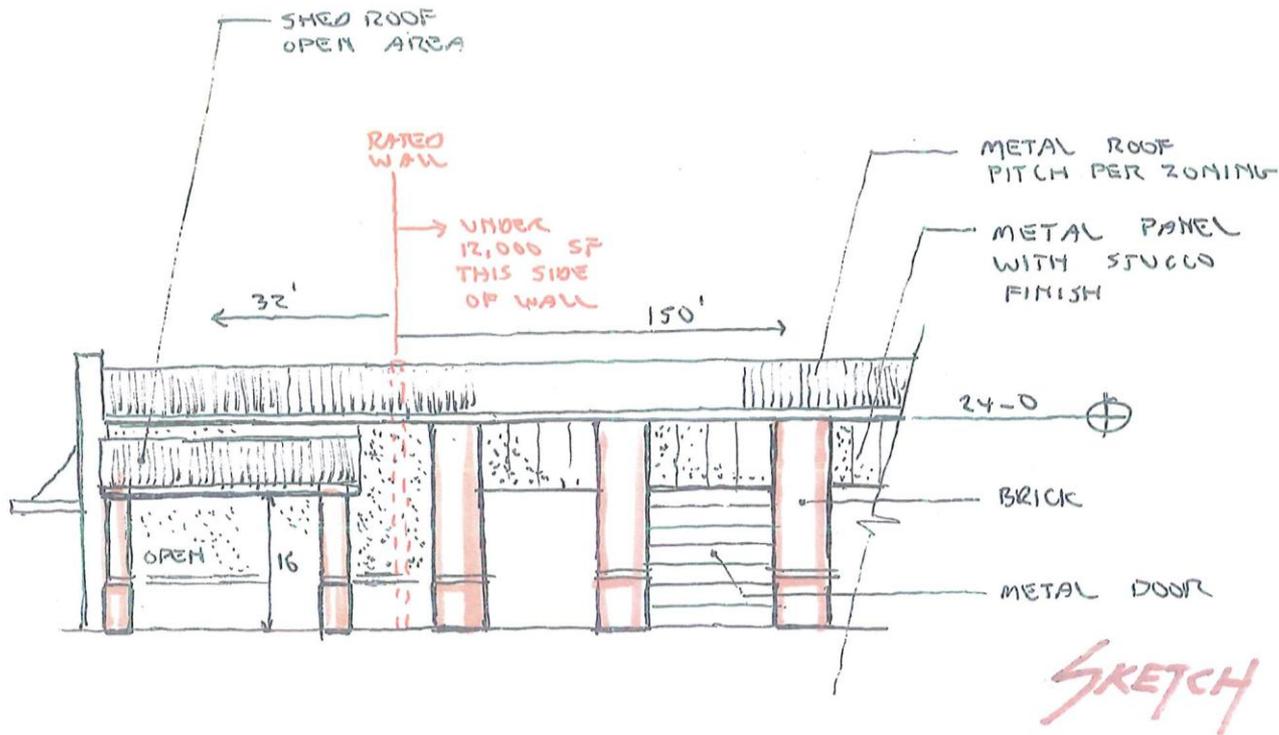


PARCEL SUMMARY

PARCEL NO.	PARCEL USE	PARCEL AREA/AC	TOTAL PERVIOUS AREA/AC	TOTAL PERCENT BUA	TOTAL OPEN SPACE	PERCENT OPEN SPACE	RECD. PARKING SPACES	STD. SPACES/AC	AC SPACES AVAILABLE	TOTAL AVAILABLE	
1	RETAIL/STORES/SHOP LIGHT/EMP. RENTALS	5.96	3.28	282	57%	120	22%	96	96	2	98
2	RETAIL/WAREHOUSE	5.10	3.00	200	58%	208	41%	47	90	2	92
3	RETAIL/COMMERCIAL/MULTIFAMILY	4.10	2.52	159	61%	129	30%	126	127	6	133
4	RETAIL/COMMERCIAL/MULTIFAMILY	2.94	1.85	126	57%	126	43%	90	77	4	81
TOTAL SITE	WMD USE	208200	1169	479	57%	736	34%				

PROJECT NO. 19-340
 DATE: FEB. 20, 2020
 DRAWN BY: ds
 CHECKED BY: ds





OPEN SHED EXAMPLE
UNDER 5,000 SF
40% ENCLOSED
60% OPEN

SKETCH
13

Utilities

- Public water exists along East Maiden Road.
- The utilities will be designed according to the City of Hickory and state specifications.
- Sewer is located approximately 1,800' south of the property on NC 150 Highway.
- Mr. Cooke intends to serve Parcels 1 and 2 by on-site septic.
- Development of Parcels 3 and 4 would be based on sewer connectivity.

Transportation

- East Maiden Road is identified as a minor collector road in the County Thoroughfare Plan.
- Most recent reported traffic counts from 2017 east of the site on East Maiden Road measured 2,900 Annual Average Daily Traffic (AADT).
- Counts taken approximately 1.25 miles west of the site measured 4,000 AADT.
- The Thoroughfare Plan recommends minor lane widening for safety reasons.
- Bucks Garage Road is a local residential road.
- There are no available traffic counts for Bucks Garage Road nor are there any recommended improvements in the Thoroughfare Plan.

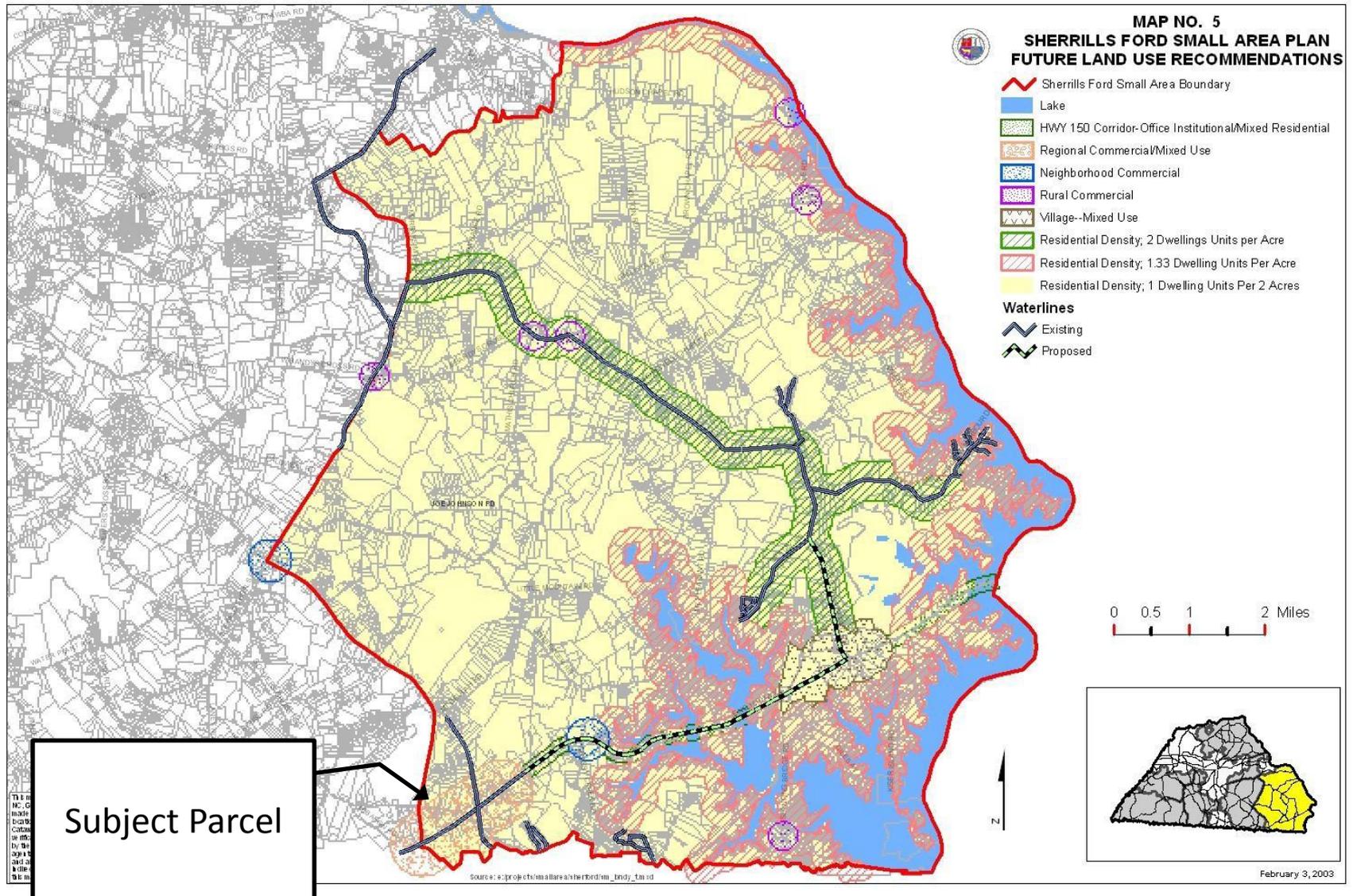
Land Use Plan

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- Highway 16 South Development Plan, adopted December 2010, Map 6 titled "Future Land Use & Economic Opportunity" identifies the property in an area recommended for mixed use and a transitional area. The mixed-use areas are generally served by higher density residential, commercial and office-institutional uses while the transitional area provides for mixed use development, multi-family, commercial and light industrial uses.

Land Use Plan

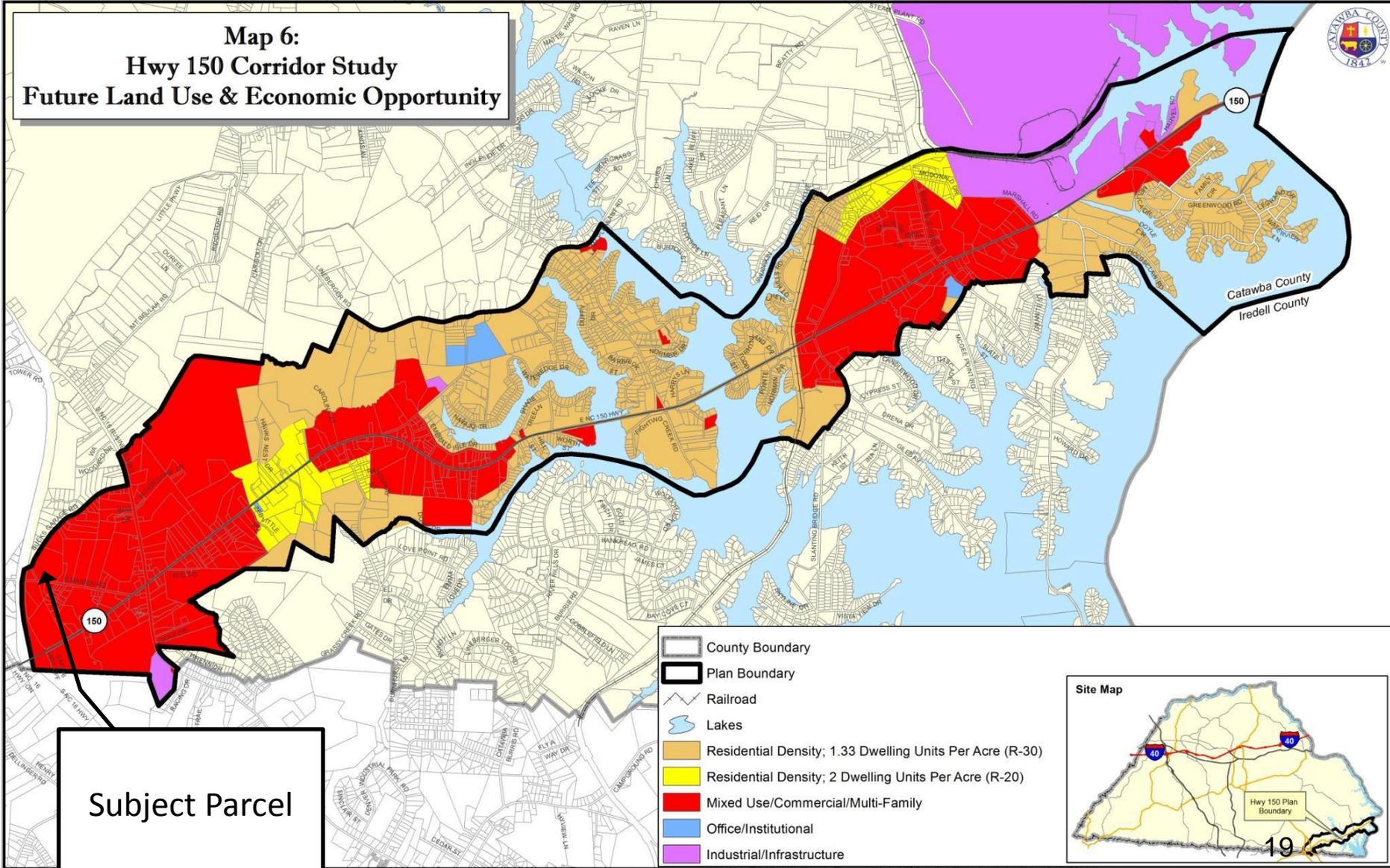
- Map 6, 'Future Land Use & Economic Opportunity', within the Highway 150 Corridor Plan, which was adopted on September 8, 2014, recommends uses including mixed-use, commercial and/or multi-family.
- The request is consistent with the adopted land use plans recommendations for commercial use and reasonable for consideration.

Future Land Use Recommendations



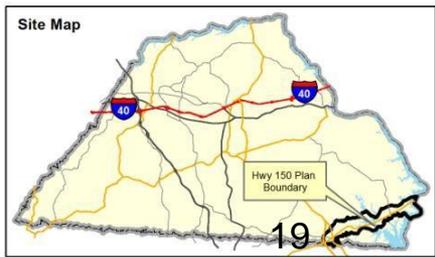
Future Land Use Recommendations

Map 6:
Hwy 150 Corridor Study
Future Land Use & Economic Opportunity

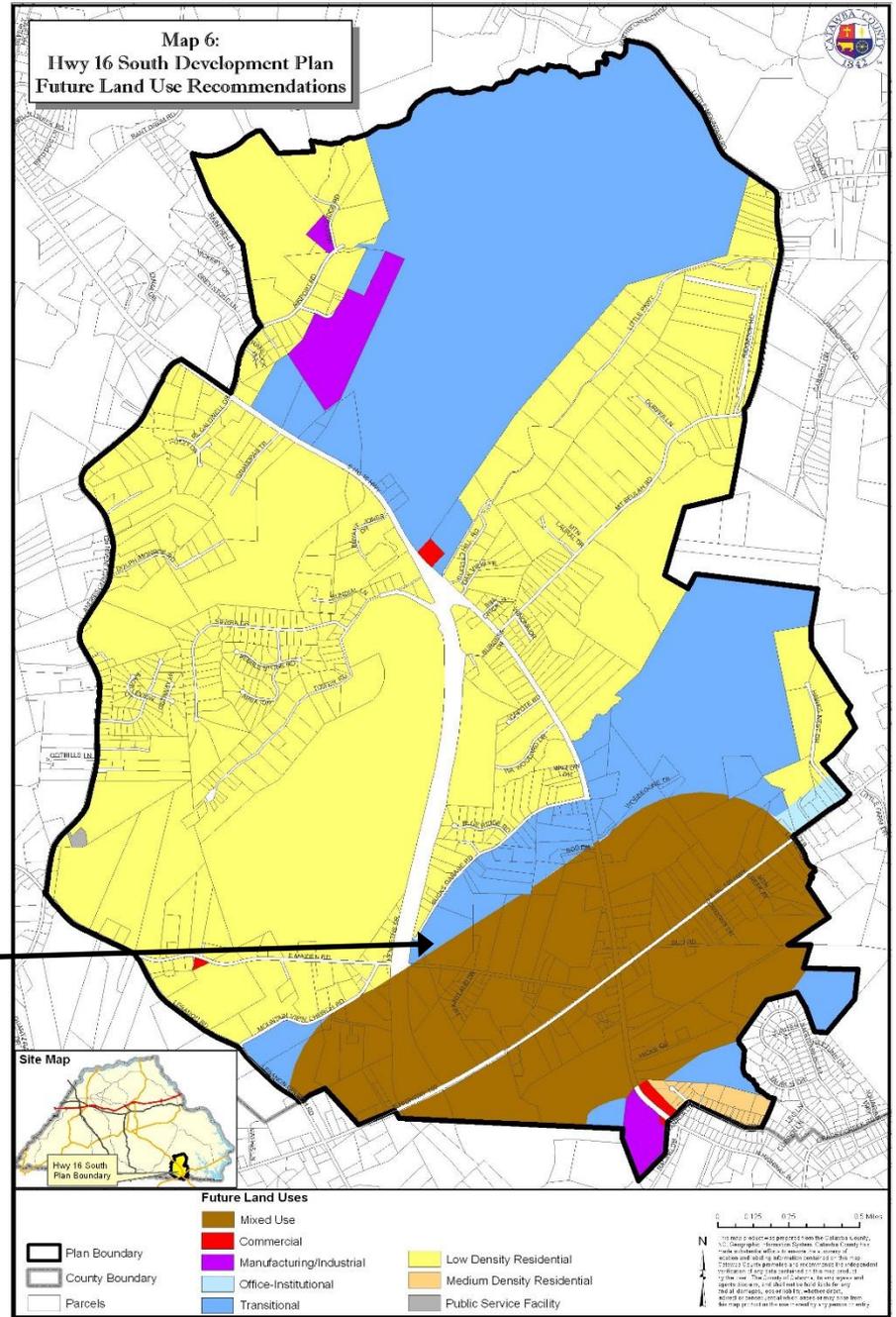


- County Boundary
- Plan Boundary
- Railroad
- Lakes
- Residential Density; 1.33 Dwelling Units Per Acre (R-30)
- Residential Density; 2 Dwelling Units Per Acre (R-20)
- Mixed Use/Commercial/Multi-Family
- Office/Institutional
- Industrial/Infrastructure

Subject Parcel



Future Land Use Recommendations



Subject Parcel

Planning Board Public Hearing

- The Planning Board held a public hearing on February 24, 2020 to consider the request.
- Three people spoke in opposition to the request. Some of the concerns shared by the citizens included:
 - The use felt industrial in nature;
 - Might impact ground water quality;
 - A portion (Parcels 3 and 4) of the proposal is speculative;
 - There would be outdoor storage; and
 - The overall use would have potential negative impacts on surrounding land uses.

Planning Board Public Hearing cont.

- Mr. Cooke shared his background in equipment rental and need for expansion along with his desire to relocate the business ahead of the NC 150 widening project.
- He indicated his plan to include an internal wash bay and oil separator.
- Mr. Cooke felt heavy equipment might include bulldozers and metal track equipment, items Cooke Rentals does not offer.
- The current location has great business, but is out of space and needs to expand.
- A couple of questions from the Planning Board included inquiry into the small area plan recommendations in relationship to the proposed plan (proposed and future uses) and if the board could recommend rezoning a lesser portion (Parcels 1 and 2) of the proposed plan.

Staff and Planning Board Recommendation

Staff recommended and the Planning Board voted 6 – 2 to submit a favorable recommendation to the Board of Commissioners to rezone the property (approximate 20.6 acres) from R-40 Residential to Planned Development-Conditional Zoning District (RZ2020-02) to allow the use of Cooke Rentals on Parcels 1 and 2 and the future commercial/retail/multi-family development use of Parcels 3 and 4 and authorize the high-density development option based upon:

1. The conceptual site plan prepared by Shabeldeen Engineering with modifications which meet all setback and open space requirements;
2. The proposed architectural sketches prepared by Ray Campbell, AIA;
3. The location of the site in proximity to NC 16 By-pass, a four-lane divided major thoroughfare;
4. The high-density option improving water quality by capturing stormwater runoff and treating it through State approved Best Management Practices (BMPs); and
5. The proposed request being consistent with adopted land use plans.

SHABELDEEN ENGINEERING, PA

3145 TATE BLVD. SE • BOX A • HICKORY, NC • 28602
CIVIL/WATER/SEWER/ENVIRONMENTAL
CONSTRUCTION MANAGEMENT

PHONE: (828) 320-7252
FAX: (828) 394-4126
dan@shabeldeen-engineering.com

January 10, 2020

Mr. Chris Timberlake
Catawba County Planning Dept.
25 Government Dr.
Newton, NC 28658

SUBJECT: Cooke Rentals Site Rezoning Request
PIN 3686-01-35-1353
Denver, NC

Mr. Timberlake:

Cooke Rental of Denver, NC, Inc. (applicant) is requesting the rezoning of the parcel located at the northwest quadrant of Hwy 16 and E. Maiden Road from R-40 to a planned development-conditional district (PD-CD). On behalf of the Applicant, Shabeldeen Engineering, PA is submitting 15 copies of the site plan and architectural sketches and a check for \$720 for the rezoning application.

The 20.62-acre parcel (PIN 3686-01-35-1353) is currently zoned R-40 and is within the WS-IV Protected watershed and the Mixed-Use Corridor (MUC-O) overlay. The parcel is not within a flood hazard zone. There are no "blue-line" streams in the vicinity of the project.

PROJECT DESCRIPTION

Cooke Rental of Denver is a light-equipment rental business and event planning/rental business currently located at 5743 Hwy 150 E. in Denver, NC. Due to the growth in the Denver area and the success of their businesses, the Applicant proposes to relocate and expand to the referenced site.

The Applicant has an option on the referenced property and intends to use it for commercial and retail. The Applicant is requesting that the parcel be rezoned to a planned development – conditional district (PD-CD). This will allow the applicant to develop the parcel as high density with a percent built upon area (BUA) up to 70%.

Cooke Rental of Denver is currently located on two (2) parcels totaling 3.87 acres. The light equipment rental occupies approximately 28,000 sf of sales and warehousing space. The event planning business occupies approximately 2,500 sf of retail space.

The proposed site will be subdivided into four (4) parcels. The southern two (2) parcels will be occupied by Cooke Rentals. The northern two (2) parcels will be set aside for as commercial/retail space for future development.

Parcel 1

Parcel 1 is 5.88 acres located in the southwest corner and will house the light-equipment rental business. This will be the first phase of the project. The impervious area has been calculated t

4.68 acres with a percent Built Upon Area (%BUA) of 79%. The site will contain a primary building with space for an office, a shop, storage, and a wash bay. There will also be two (2) accessory structures for storage and a dumpster pad. Approximately 4.0 acres of the site will be either asphalt, concrete, or gravel for access, parking and equipment storage. Municipal water is available; however, there is sewer system is not.

Phase 1 will have septic system with effluent being pumped to a proposed drainfield in the northwest corner of the site. The location and size of the drainfield will depend on soils evaluation and permit coordination with the County Environmental Health Department.

The parcel will be enclosed in an 8-ft. fence. The section along E. Maiden Road and the southern portion of the interior road will be wrought iron fence with sliding gates at the entrances. The rest of the site will be enclosed with wooden privacy fence. The dumpster pad will be screened from view by the privacy fence and the proposed storage lean-to.

A lighted 18-ft. in diameter concrete pad will constructed within the fence area to display equipment.

Parcel 2

Parcel 2 is 5.12 acres located in the southeast corner and will be a future phase for the event planning/rental business and additional light-equipment storage building. The parcel will also include a Wet Pond stormwater control measure designed to treat and detain stormwater runoff from parcels 1 and 2 and the internal road.

Parcels 3 and 4

Parcels 3 and 4 are 4.10 acres and 2.91 acres, respectively, located in the northern half of the site. These parcels will be set aside for future development when there is a demand and sewer is available. Stormwater runoff from these sites will be treated and detained on-site with a subsurface system.

The total percent built upon area (%BUA) of the development shown on the accompanying site plan is 62%. Phase 1 of the project will include Parcel 1, the new road up to the north driveway into Parcel 1, and the Wet Pond located on Parcel 2. Phase 2 of the project will include Parcel 2. Parcels 3 and 4 will be future phases.

Building Design

Attached are architectural sketches for the Phase 1 buildings showing the building's exterior features. The future buildings will be similar in exterior finishes as Phase 1. All buildings will be limited to 45 feet in height. The locations, square footages of the buildings are shown on the accompanying site plan.

Signage

Two types of signs will be constructed on the site. Lighted monument signs, as shown on the accompanying Sign Layout, will be installed at the East Maiden Road entrance. The sign will list primary occupants within the development. Similar lighted monument signs will be installed in front of each building listing the occupants of that particular building. A lighted pole sign will be placed at the corner of East Maiden Road and Bucks Garage Road. The pole sign will be limited to 16 feet in height. All signs will comply with Division 7 Sign Regulations of the County's Unified Development Ordinance. Design of the signs and foundations will be submitted to the County for review and approval.

Landscaping

The accompanying site plan shows proposed landscaping for the site. Street trees will be planted along the interior road and East Maiden Road. Parking lot landscaping generally complies with the UDO. The applicant is requesting that the landscape strip along the parking fronting East Maiden Road be installed in lieu of landscape islands. This will eliminate obstructions to truck traffic. The perimeter landscape buffer is provided along the southeast property line. The existing vegetation along the northeast property line will remain in lieu of additional landscape buffer. Privacy fence will be installed along the southwest property line.

I appreciate the opportunity to work with the County on this rezoning. Please do not hesitate to contact me if you have any questions or comments.

Sincerely,



Dan Shabeldeen, P.E.

Catawba County Rezoning/Ordinance Text Amendment Application

Applicant Cooke Rentals Inc. Phone # 704-201-9382
 Applicant's Fax 704-483-4352 Applicant's Email csquareinc@aol.com
 Applicant's Mailing Address 5743 Hwy 150 E City, State, Zip Denver, NC 28037
 Property Owner Diane Beal + Terry Schronce Phone # _____
 Property Owner's Mailing Address 2616 Et Maiden Rd City, State, Zip Maiden, NC 28650
 Parcel 911 Address _____ PIN # _____
 Subdivision Name and Lot # _____
 Current Zoning District R-40 Proposed Zoning District PD-CD

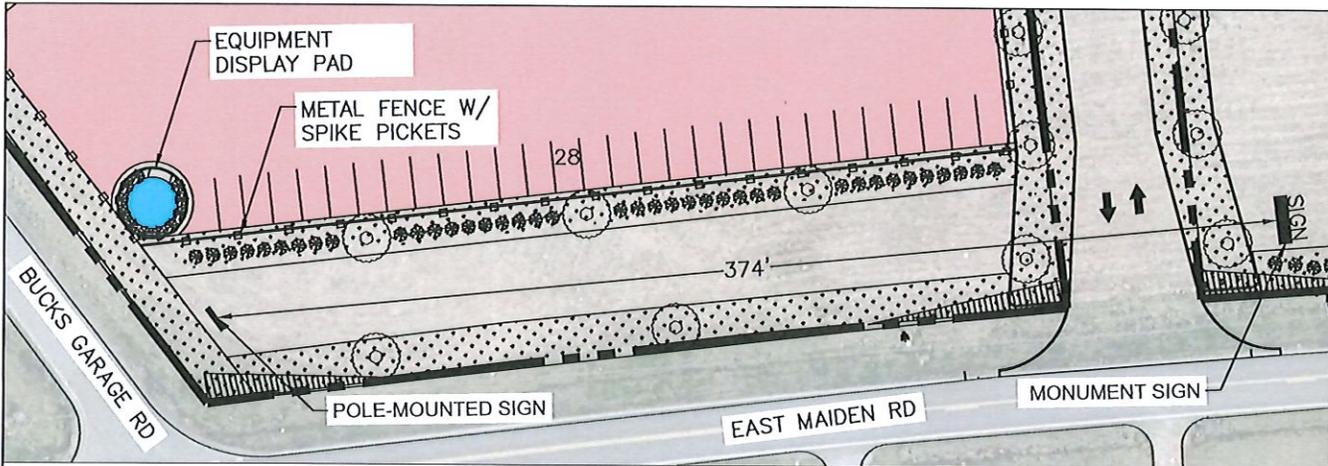
Type of Rezoning Application:

- General Rezoning**
 - The general information listed below shall be submitted with the rezoning application.
- Planned Development Rezoning**
 - All information contained in the Planned Development Chart of the Procedures Manual is to be shown on a plan submitted with the application and the general information below.
- Special District Rezoning**
 - All information contained in the Special District Development Chart of the Procedures Manual is to be shown on a plan submitted with the application and the general information below.
- Conditional District Rezoning**
 - All information contained in the Conditional District Development Chart of the Procedures Manual is to be shown on a plan submitted with the application. The complete application includes the general information below and specific development conditions substantially agreed to by the staff and applicant as well as a development agreement if applicable.
- Manufactured Home Park Rezoning**
 - All information contained in the Manufactured Home Park Development Chart of the Procedures Manual is to be shown on a plan submitted with the application and the general information below.
 - Proposed Park Name _____
- Ordinance Text Amendment**
 - Submit general information listed below.

General Information to be attached:

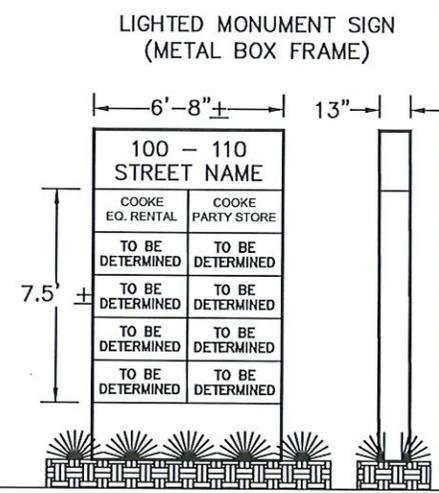
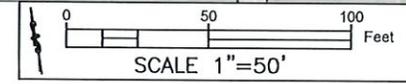
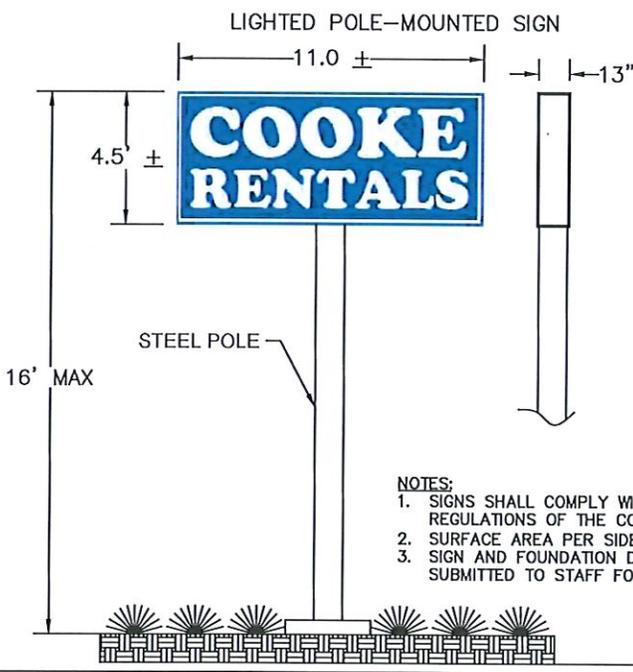
- If a portion of an existing parcel is requested to be rezoned, a survey of the portion of the parcel(s) covered by the proposed amendment at a scale no smaller than 1 inch equals 200 feet, on a 18 x 24 inch map and one 8 x 11 inch map (30 copies).
- Submittal of 30 copies of each map including digital copies in .pdf or .jpg format.
- If applicable, a legal description of such land
- If applicable, a detailed statement of any alleged error in the Unified Development Ordinance which would be corrected by the proposed amendment, and a detailed explanation of the manner the proposed amendment will correct the alleged error.
- A detailed statement of all other circumstances, factors, and reasons, which applicant offers in support of the proposed zoning map or text amendment.
- Filing Fee: Per Catawba County Fee Schedule

Applicant's Name (Printed) Chad Cooke
 Applicant's Signature [Signature] Date 1/9/2020
 Property Owners Name (Printed) Terry Schronce & Dianne Beal
 Property Owner's Signature Terry Franklin Schronce Dianne Schronce Beal 1/9/2020
 1/9/2020



PROJECT NO. 19-340
 DATE 1/20/2020
 BULLETIN/DWG 1

SIGN LAYOUT (EAST MAIDEN RD.)
 CIRCULATION PLAN FOR:
 COOKE RENTALS



- NOTES:
 1. SIGNS SHALL COMPLY WITH DIVISION 7 SIGN REGULATIONS OF THE COUNTY UDO.
 2. SURFACE AREA PER SIDE 50 SF (MAX.).
 3. SIGN AND FOUNDATION DESIGNS SHALL BE SUBMITTED TO STAFF FOR APPROVAL.

SHABELDEEN ENGINEERING
Ethics • Integrity • Engineering
 3145 TATE BLVD. SE
 HICKORY, NC 28602
 ENVIRONMENTAL CONSTRUCTION ADMIN (828) 320-7252

Subject and Adjacent Property Owners

<u>label</u>	<u>PIN</u>	<u>Acres</u>	<u>owner</u>	<u>owner2</u>	<u>address</u>	<u>city</u>	<u>state</u>	<u>zip</u>	<u>bldg no</u>	<u>street name</u>
1	368601351353	20.62	DIANNE SCHRONCE BEAL	TERRY FRANKLIN SCHRONCE	2616 E MAIDEN RD	MAIDEN	NC	28650-9656		
2	368601255998	1.75	PAUL STEVEN SIRAVO	DONNA MARIA SIRAVO	1301 N RIVERSIDE DR APT 19N	POMPANO BEACH	FL	33062-8140	5254	BUCKS GARAGE RD
3	368601257963	0.83	JEFFREY TODD SPEAGLE		6834 DOLPIN CT	SHERRILLS FORD	NC	28673-9776	5290	BUCKS GARAGE RD
4	368601267069	0.87	DANIEL RODRIGUEZ AYALA	LAURA CASTRO GARCIA	5298 BUCKS GARAGE RD	MAIDEN	NC	28650-9021	5298	BUCKS GARAGE RD
5	368601363069	7.75	RONALD OSCAR GILLELAND	JILL TURBYFILL GILLELAND	5378 E MAIDEN RD	MAIDEN	NC	28650-9009		
6	368601358496	13.90	RONALD OSCAR GILLELAND	JILL TURBYFILL GILLELAND	5378 E MAIDEN RD	MAIDEN	NC	28650-9009		
7	368614346846	2.07	RONALD OSCAR GILLELAND	JILL T GILLELAND	5378 E MAIDEN RD	MAIDEN	NC	28650-9009	5378	E MAIDEN RD
8	368614343598	0.45	BENJAMIN S ADDISON	KAYLA E ADDISON	5365 E MAIDEN RD	MAIDEN	NC	28650-9009	5365	E MAIDEN RD
9	368614342533	1.06	LORI ANN MATHIS BURGIN		427 FOREST DR	MAIDEN	NC	28650-9756	5359	E MAIDEN RD
10	368614341575	1.05	MELISSA M BLACK	KEVIN R BLACK	317 E L ST	NEWTON	NC	28658-2644	5341	E MAIDEN RD
11	368614249474	1.84	STEVE TYRONE MATHIS JR		5341 E MAIDEN RD	MAIDEN	NC	28650-9009	5317	E MAIDEN RD
12	368614247401	6.74	TIMOTHY L MITCHELL	DAWN M MITCHELL	5277 E MAIDEN RD	MAIDEN	NC	28650-9008	5277	E MAIDEN RD
13	368601254017	1.83	WINFRED M HICKS	RITA H PARKER	8833 GREENWOOD RD	TERRELL	NC	28682-9737	5204	BUCKS GARAGE RD



catawba county
planning & parks

ZONING MAP AMENDMENT CONSISTENCY STATEMENT

On February 24, 2020 the Catawba County Board of Commissioners conducted a public hearing for the purpose of considering a zoning map amendment to 20.6 acres from R-40 Residential to Planned Development-Conditional District (PD-CD) (RZ2020-02) and authorize the high-density development option (engineered stormwater controls) to allow for a non-residential development located on property identified by PIN 368601351353.

Upon considering the matter, the Board of Commissioners finds the request to be consistent with:

- a) Map 5, 'Future Land Use Recommendations', found within the Sherrills Ford Small Area Plan, adopted February 17, 2003 which identifies a portion of the property within a recommended regional commercial/mixed use area;
- b) Map 6, "Future Land Use & Economic Opportunity", found within the Highway 16 South Development Plan, adopted December 2010, which identifies the property in an area recommended for mixed use and a transitional area. The mixed-use areas are generally served by higher density residential, commercial and office-institutional uses while the transitional area provides for mixed use development, multi-family, commercial and light industrial uses; and
- c) Map 6, 'Future Land Use & Economic Opportunity', within the Highway 150 Corridor Plan, adopted on September 8, 2014, which recommends uses including mixed-use, commercial and/or multi-family.

The board finds the request reasonable for rezoning and in the public's interest based upon:

1. The conceptual site plan prepared by Shabeldeen Engineering with modifications meeting all setback and open space requirements;
2. The proposed architectural sketches prepared by Ray Campbell, AIA;
3. The location of the site in proximity to NC 16 By-pass, a four-lane divided major thoroughfare;
4. The high-density option improving water quality by capturing stormwater runoff and treating it through State approved Best Management Practices (BMPs); and
5. The proposed request being consistent with adopted land use plans.

catawbacountync.gov

Catawba County Government Center
25 Government Drive | Newton NC 28658 | 828.465.8380

MAKING. LIVING. BETTER.

This decision was affirmed by a vote of ____ - ____ of the Catawba County Board of Commissioners.

Presiding Officer

Date

Ordinance No. 2020-_____

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-40 Residential to Planned Development-Conditional Zoning District (PD-CD):

20.6 acres identified by Parcel Identification Numbers 368601351353 in the Sherrills Ford Small Area Plan, Highway 16 South Development Plan, and Highway 150 Corridor Planning District, Mountain Creek Township.

PLAN CONSISTENCY STATEMENT:

Pursuant to NCGS 153A-341, the Catawba County Board of Commissioners finds the request to be consistent with:

- a) Map 5, 'Future Land Use Recommendations', found within the Sherrills Ford Small Area Plan, adopted February 17, 2003 which identifies a portion of the property within a recommended regional commercial/mixed use area;
- b) Map 6, "Future Land Use & Economic Opportunity", found within the Highway 16 South Development Plan, adopted December 2010, which identifies the property in an area recommended for mixed use and a transitional area. The mixed-use areas are generally served by higher density residential, commercial and office-institutional uses while the transitional area provides for mixed use development, multi-family, commercial and light industrial uses; and
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- 2. The proposed architectural sketches prepared by Ray Campbell, AIA;
- 3. The location of the site in proximity to NC 16 By-pass, a four-lane divided major thoroughfare;
- 4. The high-density option improving water quality by capturing stormwater runoff and treating it through State approved Best Management Practices (BMPs); and

5. The proposed request being consistent with adopted land use plans.

This, the 4th day of May, 2020.

C. Randall Isenhower, Chair

MEMORANDUM

TO: Catawba County Board of Commissioners

FROM: Peter Shonka, P.E., Director of Utilities and Engineering

DATE: May 4, 2020

RE: Amendment to Construction Management Services Agreement for Subtitle D Landfill Cell Construction Unit 3 Phase 2

Request

Staff requests the Board of Commissioners approves an amendment to CDM Smith Construction Management Services Agreement for the Subtitle D Cell Construction Unit 3 Phase 2, approves a budget revision in the amount of \$45,657, and authorizes the County Manger to execute the Amendment.

CDM Smith has been providing various professional engineering and construction management services associated with the permitting and construction of the 19-acre Unit 3 Phase 2 Subtitle D landfill expansion and development of the barrow area for the Unit 3 Phase 2 and future Unit 4 landfill areas.

CDM Smith is requesting an amendment to their consulting agreement with Catawba County increasing the contract amount by \$105,030. The reason for the requested increase is due to increased permeability testing for the clay liner and an increase in the project completion time.

Background

Construction of the landfill expansion is currently approximately three months behind schedule due to weather impacts and challenges with the placement of the clay liner. Clay liner placement started on November 4, 2019 and was substantially complete on March 22, 2020. During that time, there were three straight months, December, January and February, where rainfall totals exceeded rainfall averages for this time of year. Clay placement, compaction and obtaining the required permeability is very dependent on the moisture content of the clay. The combination of excessive rain and the colder weather made drying the clay very difficult and took longer to complete.

The clay liner for a Subtitle D landfill must have a permeability of 1×10^{-7} cm/second. Most of the clay soils on the landfill property do not meet this standard when compacted to optimum moisture and density. In order to achieve this permeability using locally sourced clay soils requires that the clay must be compacted with soil moisture contents higher than optimum. This typically requires more compaction effort while trying to maintain soil moistures within a narrow window to achieve the desired results. Eleven distinct soils were identified in the clay stockpile onsite with optimum moisture contents ranging from approximately 19 to 26 percent. The soils were placed in the clay stockpile using scrapers, which deposits the soils in thin layers, and the soils were removed from the stockpile using an excavator, this unintentionally created composite soils which made it more difficult to identify the appropriate density and moisture contents.

For the first and second six-inch clay lifts a number of permeability tests failed to meet the required permeability and had to be retested. This required CDM Smith to increase the frequency of permeability tests from one every two acres to one per acre. By the time the contractor was placing the third six-inch clay lift most of the issues had been worked out and the permeability testing frequency was relaxed back to the one test per two acres required.

Analysis

Due to the problems encountered during the placement of the clay liner, the County has extended the time for the contractor to complete the project by approximately three months. This time extension has also caused CDM Smith to extend the time that their Resident Project Representative (RPR) is on site. The clay issues described above, and the increased frequency of testing also impacted the Construction Quality Assurance (CQA) budget due to an increase in permeability tests that had to be analyzed and reported. CDM Smith has, therefore, requested an additional \$105,030 to cover the increase in cost. The costs are enumerated below:

<u>Task Number</u>	<u>Cost Increase</u>
5. General Services During Construction	\$14,280
6. Inspection Services	\$39,200
7. CQA Monitoring Services	<u>\$51,550</u>
TOTAL	\$105,030

The additional funding for Task 5 will be used to continue to provide construction administration services for an additional 76 days. The additional funding for task 6 will allow for another 336 hours of RPR time to get the project to final completion. The additional funding for Task 7 provide for an another 55 days for an on-site CQA Technician to monitor and test soils and concrete associated with the construction and for another 24 permeability tests that were not anticipated, but were deemed necessary due to inconsistent results when clay placement began.

In analyzing the requested funds, the daily and hourly cost for Tasks 5 and 6 are lower than the cost in the original contract. CDM Smith is working with Catawba County Landfill staff to be as efficient as possible and save trips to from the project site whenever possible as we work to complete the project. The additional funding requested in this contract amendment are not-to-exceed cost estimates.

All costs associated with solid waste activities are paid from the Solid Waste Enterprise Fund, which is derived solely from solid waste tipping/user fees and contains no tax proceeds. The Solid Waste Enterprise Fund currently has approximately \$10,329,466 available to support staff's request.

The Project currently has \$59,373 in unallocated funds. Staff recommends that the Board of Commissioners approves an appropriation from the Solid Waste Fund Balance of an additional \$45,657 to

cover the additional cost for continuing Construction Administration Services, RPR and Inspection Services and CQA Testing Services through the end of construction of the 19-acre Unit 3 Phase 2 Construction Project.

Recommendation

Staff recommends the Board of Commissioners approves an amendment to CDM Smith Construction Management Services Agreement for the Subtitle D Cell Construction Unit 3 Phase 2, approves a budget revision in the amount of \$45,657, and authorizes the County Manger to execute the Amendment.

Appropriations

Revenue

Fund Balance Applied	\$45,657
525-350050-690100	

From Solid Waste Management Fund	\$45,657
485-351100-695525	

Expenditure

Transfer to Solid Waste Capital Project	\$45,657
525-350050-995485	

Subtitle D Cell Construction	\$45,657
485-351100-989000-22017	

MEMORANDUM

TO: Catawba County Board of Commissioners

FROM: Debra Bechtel, County Attorney

DATE: Monday, May 4, 2020

SUBJECT: Amendment to County Code

REQUEST

Staff recommends the Board of Commissioners amends County Code Sec. 2-341.

BACKGROUND

The Board of Commissioners appoints Trustees to the Board of Catawba Valley Medical Center (CVMC). The Trustees meet regularly but occasionally a monthly meeting is not necessary. To make practices more efficient and consistent, it is recommended the words “in regular sessions monthly” be removed and replaced with the word “regularly”.

Section 2-341. - Meetings.

The board of trustees of the Catawba Valley Medical Center shall meet **regularly** ~~in regular sessions monthly~~ and, upon the call of the chairperson or vice-chairperson, at such other times as may be deemed necessary or advisable. The board of trustees shall keep a complete record of all its proceedings.

RECOMMENDATION

Staff recommends the Board of Commissioners amends the language in County Code Sec. 2-341 by removing the words “in regular sessions monthly” and replaced with the word “regularly”.