



The Hickory Regional Planning Commission will hold its regular meeting on **Wednesday, February 28, 2024 at 6:00 p.m. in the City Council Chambers of City Hall.** The following will be the agenda for the Regular Meeting:

### **AGENDA**

- Parliamentary Call to Order
- Welcome
- Roll Call
- Searing in of new member.
- Items of Correspondence
- City Council Action
- Approval and signing of minutes from the January 24, 2024 meeting.

### **PRESENTATIONS AND HEARINGS**

1. Rezoning Petition (RZ) 24-03. Request by Shilpabahen and Pravinkumar Patel for the consideration of rezoning approximately 2.76 acres of property located at the SE corner of 16<sup>th</sup> Street NE and 29<sup>th</sup> Avenue Drive NE including 1630 29<sup>th</sup> Avenue Drive NE from R-3 Residential to Neighborhood Commercial. The subject properties are shown as PINs 371419611284 and 371419616084 on the Catawba County Tax Map.
2. Rezoning Petition (RZ) 24-04. Request by Piedmont Companies, Inc. for the consideration of rezoning approximately 11.147 acres of property located at 2536 Startown Road owned by Matthew Varney and Ver Yang from R-20 Residential to R-2 Residential. The subject property is shown as PIN 372119509129 on the Catawba County Tax Map.

### **OTHER BUSINESS**

1. **None**

The Hickory Regional Planning Commission does not discriminate on the basis of disability in the provision of its service as charged by the City Council of the City of Hickory. All meetings are held in accessible facilities. Any person with a disability needing special accommodations should contact the Planning Department at telephone number (828) 323-7422 at least 48 hours prior to the scheduled meeting.

**Attendance Roster**  
FY 23-24

<b>Key</b>	A	Absent	AX	Excused		No meeting		No
	P	Present				Vacant/Not yet appointed		Quorum

**Hickory Regional Planning Commission**

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Appoint	Expire
Catawba County	P	P	P	AX		AX	P						Jul-22	Jun-25
Catawba County	P	P	P	P		P	P						Jul-21	Jun-24
Burke County													Dec-19	Jun-26
Ward 1	P	P	P	P		P	P						Jul-22	Jun-24
Ward 2	P	P	AX	P		P	P						Jul-21	Jun-25
Ward 3	P	P	P	P		P	P						Jul-20	Jun-26
Ward 4	P	P	P	P		P	P						Jul-21	Jun-24
Ward 5							AX						Jul-23	Jun-26
Ward 6	P	P	P	P		AX	P						Jul-22	Jun-25

**Hickory Regional Planning Commission**  
**Wednesday, January 24, 2024, 6:00 pm**

A regular meeting of the Hickory Regional Planning Commission (HRPC) was held on Wednesday, January 24, 2024, 6:00 pm, in Council Chambers of the Julian G. Whitener Municipal Bldg.

**Members Present:** Bill McBrayer, Bill Pekman, Junior Hedrick, Anne Williams, Philip Reed, Steve Mull, and Sam Hunt

**Members Excused:** Robert Lelewski

**Members Absent:** none

**Others Present:** Planning Director Brian Frazier, Senior Planner Mike Kirby, Deputy City Attorney Arnita Dula, and Minutes Clerk Anne Starnes

**Parliamentary Call to Order & Welcome:** Bill McBrayer, Chair, called the meeting to order at 6:00 pm and welcomed everyone.

**Roll Call:** Planning Director Brian Frazier said a quorum was present. New member Robert Lelewski was unable to attend the meeting, due to work obligations, and was excused. He will be sworn in at the next meeting.

**Items of Correspondence:** In addition to Mr. Lelewski's appointment letter from Mayor Guess, Mr. Frazier said staff received two (2) e-mails from the Sharp family members, which he had shared with the members earlier. They are from Indiana, and he believes their family had owned tonight's subject property, generationally.

**City Council Action:** Following the Commission meeting on December 6, Mr. Frazier said City Council approved Michael Pollard's rezoning request for property on Robinson Road.

**Approval and Signing of Minutes from the December 6, 2023 Meeting:** Anne Williams noted two corrections to the attendance roster in the agenda packet, saying that neither she or Mr. Lelewski were present at the meeting. Mr. McBrayer thanked her and requested the corrections be made, as noted.

Minutes from the previous meeting in December were distributed to members in advance. No additions, deletions, or corrections to the December minutes were stated. Anne Williams moved, seconded by Philip Reed, to approve the December 6, 2023 minutes as presented, and to correct the attendance roster. The motion carried unanimously.

**Reading of State Ethics Rules:** Mr. McBrayer read the NC Ethics Rules aloud:

*In accordance with the State Government Ethics Act, it is the duty of every member of this board to avoid both conflicts of interest and appearances of conflict. Does any member of this board have any known conflict of interest, or appearance of conflict, with respect to any matters coming before us today? If so, please identify the conflict, or appearance of conflict, and refrain from any undue participation in the particular matter involved.*

Ms. Williams stated she and applicant Gregory Williams share the same last name, but are not related. None of the members stated a current conflict of interest or asked to be recused.

Mr. McBrayer requested all cell phones be silenced, saying he would be using his to keep track of the expired time, later in the meeting. He explained the procedure for public hearings, saying he assumed most of the audience members do not regularly attend these meetings. There were initially two (2) public hearings on tonight's agenda,

but the applicant for Rezoning 24-01 withdrew his request prior to the meeting. He said there would be one (1) public hearing, Rezoning 24-02. During the hearing, each side, the proponents and opponents, will have a cumulative 15-minutes to share their comments and concerns with commission members. All speakers' comments and concerns are important to members, so please use your time wisely. Be respectful of the other speakers' time, and please do not take up time repeating each other's sentiments; instead, simply say "ditto" and the members will understand. Following all testimonies, there will also be a 5-minute rebuttal and surrebuttal period for each side, and again, please be respectful of each other's time.

Mr. McBrayer said rezoning hearings are legislative hearings. The rezoning request must prove to be consistent with Hickory by Choice 2030 and in keeping with Hickory's Land Development Code. He issued a reminder to everyone that this board has no jurisdiction concerning roads, school enrollment, storm water, property values, watersheds, municipal water and sewer connections, or specific designs for development plans; the members have no jurisdiction. After all proposed rezonings, the City, County and State professional staff are charged with reviewing the development plan. All City ordinances must be complied with; all County requirements, all State fire and building codes, as well as all other State and Federal laws, must be complied with. The board's decision on the rezoning tonight is only a recommendation. It will be passed on to City Council for their consideration, and they will make the final decision at their upcoming meeting on February 6, here in these chambers.

During the course of tonight's meeting, Mr. McBrayer said there would be people who want to speak out from their seats, but that would not be permitted. Also, please refrain from cheering or booing during the hearing; a police officer is present to assist, but hopefully he will not be needed. There is a sign-up sheet on the clerk's desk for everyone who wants to speak tonight. Please go and sign up now, for or against, if you have not already done so. The commission wants to be respectful of everyone's opinion and comments, regardless of which side they are on. When you are called to the podium, please come forward and state your name and address first, and then proceed with your comments.

Mr. McBrayer opened the public hearing for Rezoning 24-02.

## **PRESENTATIONS & PUBLIC HEARINGS**

**1. Rezoning Petition 24-01.** Withdrawn by the applicant in advance of the meeting.

**2. Rezoning Petition 24-02.**

Request by Gregory Williams for the consideration of rezoning approximately 29.59 +/- acres of property owned by GTC Investment Properties, LLC, located on Hwy 127 South between Moss Farm Road and Nello Drive, from Low Density Residential (R-1) to Planned Development (PD). The subject property is shown as PINs 2791-18-42-3423, 2791-14-20-0860, 2791-14-42-9844, and 2791-14-42-9883 on the Catawba County Tax Map.

Senior Planner **Mike Kirby** presented the staff report and referred to PowerPoint slides. He reviewed **slide #9** (Rezoning Petition 24-02).

- **Property Owners:** GTC Investment Properties, LLC
- **Applicant:** Gregory Williams
- **Location:** Hwy 127 South, between Moss Farm Road and Nello Drive
- **Current Zoning:** Low Density Residential (R-1) and Commercial Corridor (CC-2)
- **Property Size:** +/- 29.59 acres, consisting of four (4) parcels
- **Background:** The applicant has submitted a petition requesting to rezone the subject properties from Low Density Residential (R-1) and Commercial Corridor (CC-2) designation to Planned Development (PD).
- **Request:** The requested Planned Development is proposed to be primarily residential (market rate) in nature. The development on the newly acquired parcels would consist of 198 single-family residential units, and also includes two (2) outparcels for future non-residential development.



**Slide #10** (Map 1. Hickory by Choice 2030 Future Land Use). Mr. Kirby noted the Commercial Corridor on the HBC 2030 Future Land Use map, along Highway 127, and the surrounding area designated as future Low Density Residential.

**Slide #11** (Map 2. Current Zoning). Mr. Kirby said the subject property was hashed in red on Hickory's current land use zoning map, and was currently zoned R-1 and CC-2. He noted the adjacent areas currently under County zoning. He said the subject parcels were all annexed by the City of Hickory several years ago but, to his knowledge, the zoning request did not pass when it was annexed. When viewing Catawba County's overall GIS map, this is the southernmost property that has been annexed into the Hickory City Limits.

Mr. Kirby reviewed **slide #12** (Map 3. Aerial Photography), saying this was an aerial view of the subject property, which is current vacant. He pointed out the Food Lion directly across the street from the property and the adjacent Mtn. View Hardware to the south.

Mr. Kirby reviewed **slide #13** (Development Potential).

- **Development Potential**

- The current Low Density Residential (R-1) zoning assigned to the property allows for primarily residential uses.
- As currently zoned, the subject properties could theoretically yield up to 254 dwelling units with 7- acres of commercial (7 x 30 = 210 apartments) and 22-acres of residential (22 x 2 = 44).
- Potential uses for the R-1 zoning include:
  - Single-family attached and detached homes
  - Manufactured Homes and Manufactured Home Parks
  - Group Living Facilities
  - Wireless Communication Towers

Mr. Kirby reviewed **slide #14** (Planned Development Regulations).

- **Planned Development Regulations**

- Minimum acreage for a Planned Development is **two (2) acres** with maximum density at **twenty (20) units** per acre.
- Applicants are required to submit a Planned Development Master Land Use Plan that includes:
  - The name of the proposed Planned Development, and the names of the developer and design professionals;
  - Scale, dimensions, date, north arrow;
  - General location of stormwater facilities;
  - General location, height, number of stories, floor area, orientation, setbacks, and proposed land-uses of all structures;
  - Open space (designate public or private), floor area, recreation space, and impervious surface area necessary to demonstrate conformance with applicable requirements;
  - Landscaping and buffering;
  - Any proposed property subdivision, including proposed future property lines;
  - Primary vehicular and pedestrian circulation system, including all proposed exclusive storage bays, turn lanes, vehicular and pedestrian cross access points, points of ingress and egress for principal pedestrian, vehicle, bicycle, and transit;
  - Proposed street layout (both public or private);
  - Location of all parking, area and number of parking spaces in parking lots;
  - Location, height, dimensions, and type of all signs; and
  - Locally or nationally recognized historic structures.

Mr. Kirby reviewed **slide #15** (Development Background).

- **Development Background**

- The plans depict the properties as totaling of 198 single-family residential units, which consist of **118 single family detached lots and 80 townhomes**.
- In total, the proposed development would have a density of roughly 6.7 units per acre.
- The development is proposed to be approximately a third of the maximum density.
- There are two proposed outparcels for future non-residential development that total approximately 1.57 acres.
- The development will include an amenity area with open space, a dog park, and mailbox cluster area.

Mr. Kirby reviewed **slide #16** (Preliminary Master Site Plan for Karsyn Ridge).



He said the developer had submitted the master site plan included in the agenda packet, and pointed out the two (2) proposed entrances from Highway 127. The areas shaded in gray are the 118 single-family units, and the area along the spine (at left) is the proposed townhomes. He pointed out the two (2) outparcels intended for non-residential future development.

Mr. Kirby reviewed **slide #17** (HBC 2030 Comprehensive Plan, Chapter 3 Goals & Policies).

- Within the Goals and Policies section of Chapter 3 of the comprehensive plan, a number of goals and policies are provided that address development.
  - **Goal 1** discusses the expectation new development will “fit in.” The subject properties are located within a somewhat rural environment with mainly single-family homes. The proposed development would continue this pattern.
  - **Goal 2** indicates neighborhoods should be designed to provide pedestrian access to daily services. The proposed development is within a short distance of larger shopping areas along Hwy 127. While walking to these areas may not be ideal, their close proximity would reduce cross-town commutes for goods and services.
  - **Goal 3** references the need to provide balance between development and open spaces. The development proposal shows approximately 2-acres of the development’s total area as being set aside as open space.
  - **Goal 4** discusses the locations of industrial uses. Being the development is absent of industrial uses, this goal would not pertain to the development proposal.

- **Goal 5** is very similar to Goal 2, but goes further in outlining the need to promote mixed-use areas that provide convenient access to amenities and employment areas. As previously outlined, the location of the subject properties provides access to existing amenities (retail and services), as well as close proximity to employment areas.
- **Goal 6** relates to citizen participation in planning, with the project falling under the Planned Development process, which requires notices and hearings; the public will be afforded the opportunity to provide input regarding the proposal.

Mr. Kirby reviewed **slide #18** (Findings & Recommendation).

Recommended Action

- *Staff recommends the following:*
  - The adoption of a statement **affirming the petition’s consistency** with the Hickory by Choice 2030 Comprehensive Plan.
  - The development of the property shall **adhere to the regulations provided** in the Land Development Code and any other applicable standards.
  - Forward a **recommendation of approval** to the Hickory City Council.
  - As of January 16, 2024, there have been five (5) citizen inquiries about the petition.

He said agenda packets were mailed to members on January 16th, and as of today, staff had received at least 15-20 citizen inquiries.

Mr. Kirby asked for questions from the Commission members.

Dr. Pekman asked for slide #16 (Preliminary Master Site Plan for Karsyn Ridge) to be returned to the screen, saying he understands the subject property has been annexed into the City, and asking if the surrounding area was located in the Hickory ETJ. Mr. Kirby returned slide #11 (Map 2. Current Zoning) to the screen, saying R-1 and CC-2 are both in the Hickory zoning jurisdiction, but the adjacent areas of R-20, HC, and RC are all located in the Catawba County zoning jurisdiction.

Mr. Kirby said staff had already held several pre-application meetings with the developers, and the final master site plan they had settled on has much less density than what was initially proposed. City staff did not feel like their first few plans would work, and neither did the NCDOT.

There were no additional questions for Mr. Kirby, and Mr. McBrayer thanked him.

The Staff Report was entered into the record as Exhibit A.

Mr. McBrayer said proponents of the rezoning petition would speak first, for 15 total minutes, followed by the opponents.

**PROPONENTS**

• **Greg Williams**, 2805 Walk Up Avenue, Monroe NC, addressed Commission members, saying he is with CC&W Development Group. Attending with him tonight were his civil engineer Frank Craig, from Gastonia, and Perry Croke, one of his business partners who is also from Monroe. This site, as stated earlier, is approximately 30-acres on four (4) tracts of land along Highway 127. The current owner is GTC Investment Group out of Punta Gorda, Florida. The current zoning, as stated earlier, is about 25% in CC-2 on the front, and about 75% in R-1. The land is currently vacant. It has a rental home on it that he deems to be about 110-years old, which will be demolished when this development occurs. Again, it is vacant land, but it is not going to remain vacant, and it will be within the Hickory City Limits, whether they are the ones developing it, or it is developed later on in the process.

Mr. Williams said he would like to add, for the record, that during their history of going through this, Hickory's planning department staff had been extremely helpful and good to work with. They are a great group of people and he could tell you that from experience, because he has worked with 9 or 10 different municipalities in a 45-mile radius of Charlotte. Hickory is fortunate to employ about as good a group of people as any that he has worked with in the past 3-4 years, and he commended Hickory on their staff.

Mr. Williams said there had been a lot of social media chatter on this project. In the current political process, everyone deals with a lot of fake news, and several distortions and several misstatements had been written about this project. He said they were never turned down as they went through this process, and this is their first opportunity to get in front of City officials to have a vote on their position of recommending approval or disapproval of the plan. They did an initial concept plan and looked at having somewhere around 380 to 400 apartments, and about 120 to 140 attached single-family homes. In their pre-application meeting to discuss the initial concept plan with staff, there were a lot of concerns, particularly from the fire marshal, about the width of the property in conjunction with the depth of the property, and how that would work from a safety standpoint. There were suggestions that that density would be higher than what their staff could support, so they went back on their own, looked at it again and made an informal market analysis of it, involving the people they deal with and the end-users, and they basically got feedback saying that section of Hickory, along that corridor, was not conducive to an apartment complex. He said they are capitalists; they are in business to sell and make money, so that immediately caused them to go back and look at an alternative.

Back in early November, they set up a meeting with staff and came back with a plan that was solely single-family attached houses; he thought it was somewhere between 310 and 320 townhomes. In the course of reviewing that layout, the fire marshal still had concerns about the depth, and the fact they were exceeding 200-units on any given side. There was a conversation about working with residential sprinkler systems to get past some of the fire regulations that would accommodate them, so as they worked through that, they looked at the possibility of divided interconnectivity and making this literally two (2) different neighborhoods, with single entranceways on either side, and gating them in-between for fire and safety. Well, that created a new issue with the traffic. Traffic was a concern regarding ingress and egress inside the neighborhood, plus the fact that one of the entranceways is a restricted one, being that it is right-in and right-out only. The secondary entrance is a full-service entranceway. As they went through that, they realized they needed to take a step back; they were doing another project elsewhere that is all townhomes, and they found that something that large, in excess of 300 townhomes, was not really as walk-able as they would like it to be.

Mr. Williams said they decided to come back a third time, with the current plan that is now in place. This is a combination of consultation with staff, looking at the market, and trying to do what they feel gives them the best opportunity to have a profitable plan. He would never be ashamed to say they are capitalists; yes, they are in it to make money, but at the same token, having grown up with his background and in the country, he does not want to create something that will leave a burden on the property, he wants it to have character when it is done. That even goes back to how they name their properties; they look at ways to add their own families' names to them, with something that has sentimental value to them and carry that on through with the property.

The final plan is what members have in front of them here tonight, which includes 198 single-family residential units, 118 single-family detached lots and 80 townhomes. Even though it is PD zoning, an excess of 10% of the site is reserved for common open space. There is a wood line and spring through the middle of the property, and they wanted to buffer against that, so it was designed that way. The spring does not extend all the way to Highway 127, so they will buffer that and make sure not to create any environmental issues by harming that spring. They also added a dog park and looked at the potential of walking trails in the natural area; there will also be mandatory sidewalks along the streets, which are required in the PD zoning. This will be all new construction, for sale to individual homeowners. The attached housing project will probably be four (4) price points. They are looking at different sized units, with 1-2 car garages, depending on the size of the unit. So they would project – and again, projections are hard when you are dealing with inflation and rising construction costs – but they project starting in the high \$280,000 range and going up to \$350,000 for the attached housing. For the detached housing, those lots

will probably start somewhere around the high \$350,000s and exceed the half-million dollar price point. Again, that sounds like a lot of money, but unfortunately, in this market, with the way pricing is now after coming out of the pandemic, it is not nearly as much home as you could get 5-years ago.

When they presented the revised plan to staff, Mr. Williams said they had received very favorable input. As stated, they brought the density down to 6.7-units per acre; PD zoning allows for 20-units per acre, so they are 13.3-units per acre less than the maximum amount of density they could have on this site. They have set aside 1.57-acres of commercial space on two (2) outparcels. Those do not have direct access onto Highway 127, but will be accessed from the entrances to the neighborhood, as NCDOT had concerns about having too many entrance points from Highway 127, from a safety standpoint. He said they would envision those two (2) outparcels potentially being a coffee shop, some type of commercial sales center, or possibly a free standing restaurant, but something that would accentuate what they are building in the residential section behind it. NCDOT was very supportive of the two (2) entrances; he actually wanted to widen them to the property line, but due to safety concerns for the convenience store across the street, DOT wanted them to mirror their entry point onto (Highway) 127, so traffic would be looking at each other, and then put a restriction on the south entrance, so it would be a right-in and right-out. Highway 127 is currently a 3-lane road with a center turn lane, through that section. He understands the DOT has a 5-year plan is to widen it to a 4-lane road and make everything in that neighborhood a right-in, right-out. They intend to design the new (Highway) 127 with California left-hand turns, where you have signal lights and U-turns to turn back onto (Highway) 127.

As they went through this with Fire and Safety staff, Mr. Williams said they were happy that it was brought down to a density of 198 units and saw no roadway situations for their emergency vehicles to deal with. They have interconnectivity within the neighborhood, where you could access each point without having to go back out to Highway 127. He said they have agreed to add residential sprinkler systems, which is a design system based on having sprinkler heads on the main level that just sits there until needed for emergency use, and helps prevent the spread of fire in the neighborhood. Traffic (staff) was satisfied with the interconnectivity and the two (2) entrances. They addressed the concerns stated by Sanitation planning and Stormwater (staff); they will be designed per their instructions and subject to their approval through the submittal process. There were no environmental issues on this property. There had been some gas leaks on the properties of the service station convenience stores, so they ensured they had no EPA issues with groundwater underneath, and it came back within the federal guidelines. Stormwater must be permitted by ordinance of state and federal codes, and those will be inspected during the course of construction. And, they have seen no evidence of school capacity issues in the information they received regarding this neighborhood.

Mr. Williams said the utility water lines are located in front of the property, on Highway 127, and there is adequate capacity for the neighborhood on that line. The sewer is located at the corner of the property. He believes that it is an 8-inch sewer line, but they will need to verify the capacity of the line, based on the amount of usage they would have. One (1) pump station will need to be constructed on the property, at their own expense, per the City's design and approval. That pump station, in all probability, as they go through looking at the capacity on the sewer lines, will have additional storage capacity and a deep well pump on a timer system, where they can utilize some storage ability in the pump station, and then be able to pump out during non-typical busy times, such as after 9:00 pm and into the early morning, when people are not using their restroom and kitchen facilities as much. He believes one of the most important things PD zoning gives them is a clearly defined development, which ensures the City receives a planned neighborhood, as agreed upon by the developer, per a signed development agreement and approved design plans by the City.

In conclusion, Mr. Williams said one of the things that attracted them to Hickory, is that Hickory is a growing city, with projected population growth requiring new housing to accommodate the growth of new industry and office space announced for development in the area, promoting a need for more housing. Couple this with the greater Charlotte regional growth and current natural migration of large amounts of the U.S. population that are living in colder and higher tax base areas, with greater job growth, more conducive business climates, better weather and lower crime, and the need for new housing then multiplies. Just recently, he said FOX News named the Charlotte

region, in general, as the best area in the country to relocate. The National Association of Homebuilder statistics show that 200 new average homes built would create or sustain five (5) to 80 jobs, create new taxes and fees, and generate \$435,000 per month in retail sales, of which approximately \$35,000 per month would go to the state and local governments in sales taxes. This is over \$5 million per year in local sales, which local businesses will benefit from. He said whether it is a business, a region or a city, if you are not growing, you are dying. Growth creates jobs, creates income, advancement, a higher standard of living, and a better quality of life when properly managed and built. Karsyn Ridge, the name they have selected for this neighborhood, is a step in the right direction. It will enhance the area, add value to surrounding properties, and is compatible to the existing neighborhoods. He requested the Commission's support, and a favorable vote to rezone the property and create this neighborhood.

Mr. Williams thanked members for their time. He said they would answer any questions from members, and whether they were technical or basic, they would do their best to address them.

Dr. Pekman asked how long this project had been in development. Mr. Williams said they entered into a contract with GTC Investment Properties in about August of this past year.

Dr. Pekman asked if all of their consultations had been with the City, and Mr. Williams said yes. Dr. Pekman asked if they had held any neighborhood meetings, and Mr. Williams said he had corresponded by e-mail with a couple of folks. Mr. McBrayer asked if that was done in a reactive way, or was it done proactively. Mr. Williams said that he had reached out early on, regarding the Blalock family's property, a very nice piece of property that is a cow farm now, hoping they had an interest in selling. He understands it has been in their family for six (6) generations, and they are not interested in selling it. They would love to buy the property, but by that same token, they respect their rights; it is their property. It is a pretty cow farm, with some very pretty cows on it.

Mr. McBrayer said the 15-minutes allotted for the proponents had nearly expired. Deputy City Attorney Arnita Dula advised that if members wanted to extend the time, a motion would be needed, and that same amount of time would also be extended to the opponents' time. Mr. McBrayer said two (2) additional proponents had signed up to speak. He requested a motion for a 15-minute extension.

Mr. Williams thanked the members, saying his two (2) associates had signed up to speak, but would decline, since he had covered everything.

There were no further questions for Mr. Williams and Mr. McBrayer thanked him.

- **Franklin Craig**, 2543 Gleneagles Drive, Gastonia NC, signed up to speak, but declined.
- **Don Spence**, 3102 Parker Green Trail, Charlotte NC, signed up to speak, but declined.

No additional proponents were present.

Mr. McBrayer said the opponents would now have 15 total minutes to speak.

## **OPPONENTS**

- **Robert Pink**, 1240 Camp Creek Road, Hickory NC, addressed Commission members, saying he was sure the main complaint everyone here has boils down to the increase in population. He is sure many people who move here also came from overpopulated areas, and as a result, this continually happens again, and again and again. In fact, his family moved from New Jersey to Florida, because New Jersey became too suburbanized and too populated. Then over the years, from the '80s to, say the 2010s and even now, Florida has gone completely off the rails in terms of population, and this will only increase if places continue being rezoned to allow for more population. Plus, more population, more crime, etc. etc., and then the need to mitigate other problems arising from an increase in population, he also wanted to mention that. The people who actually come here, if they can actually buy these houses for a half million dollars, they will likely be a little bit wealthier than some of the general population in this

area. These prices could push out some of the people living in the area now, and the result will be increased prices for everything.

Mr. Pink said he would just leave it at that, and thank you very much. Mr. McBrayer thanked him.

- **Karen Chester**, 1040 Horse Rock Road, Hickory NC, addressed Commission members, saying she is a national board certified educator in the Mountain View community, and had been teaching in the community for 25-years. She is concerned about the impact this additional 198 homes will have on their schools, which cannot absorb 400 or more children into their current structures. There would be an immediate need for new school buildings if this plan is permitted. She understood Mr. McBrayer to say you have no impact, or no jurisdiction over these issues. It seems to her that it would be extremely important to consider the magnitude of these decisions regarding their community schools.

Ms. Chester said she is not opposed to growth or progress, that she would embrace responsible growth. However, in her opinion, this is not responsible community growth, adding 6.8 families per acre without considering the impact on their community's schools. Thank you.

Mr. McBrayer thanked her.

- **Randy Hefner**, 5565 George Henry Drive, Hickory NC, addressed Commission members, saying his property connects to the development. A while ago, you said you could not answer the question of who the residents should go to and discuss things, but somebody needs to ask a lot of questions because a lot of people have a lot of questions. If you do this and start cutting on that property, it could completely destroy his property; he knows all about how construction causes silt and erosion, all that stuff, he has dealt with it for 40-some years. Once they are gone, what happens to the erosion? There is no stopping it.

Mr. Hefner said some of his questions had been answered, such as what the homes would sell for, but when is the construction supposed to start? And the road needs to be done first, in order to get all these people in there. He agreed with the lady who spoke before him – they cannot handle all these people, it is too dense in there now. There are too many things going on in that area to also handle this type of development. He asked who they were supposed to talk to about the problems, because there are going to be problems. Like he said, when they cut on that property it is going to flood like crazy, and that was all he had to say. Mr. McBrayer thanked him.

- **Jada Wilson**, 1392 Field Circle, Hickory NC, signed up to speak, but declined, saying Ms. Chester had addressed what she planned to discuss.

- **James Smolka**, 5892 Deerfield Lane, Hickory NC, addressed Commission members, saying he lives just down the road from this proposed project. When other residential changes there were recommended to this board, he was part of the group that came and defeated that proposal. The same people who helped him to defeat that proposal are also here today. They speak as a unified group that believes their area, Mountain View, is rather unique. Yes, he understands that this is part of Hickory now, but this is still their home, their permanent home, and they live out in the country. They have a certain lifestyle, a life that they like, a very quiet, peaceful life. This development area will impact schools. The traffic on this road is bad, it is very dangerous and some of the worst accidents he has seen were on this road. They do not want any additional traffic on this road. They live in the Mountain View community because it is a nice, peaceful, quiet area. This development is not consistent with the views most of them have of Mountain View, thank you. Mr. McBrayer thanked him.

- **Richard Ferrell**, 5950 Pinewinds Drive, Hickory NC, addressed Commission members, saying he has concerns about the water runoff, the sewer, and the traffic. There are some times of day that he does not even try to get out on that road; that road is terrible. He does not know how many accidents they have had on that road; it is every week. But if you live on Moss Farm Road, or the road coming out of Woodridge, he does not know how they ever get out onto the road now, much less when there will be even more traffic out there. So, his concern is what has

already been expressed here – what is going to come first, the development or improvements to the road system? They need that done badly, thank you. Mr. McBrayer thanked him.

- **Gail Spurlin**, 6701 Spur-Tree Lane, Hickory NC, addressed Commission members, saying most of their concerns had already been addressed, with the exception of the green space. When she met her husband, he lived out in the country, here in Mountain View. He was born and raised here, and she was very much impressed because it gave you elbow room. Even though she had lived in the county, it was very deeply populated and you had a lot of neighbors. But in the area they live in now, at the foot of Baker’s Mountain, you have room to spread out; you have room to let your kids play in the yard and roam through the woods around you. It is quiet and you can enjoy nature, all the birds and animals that come through. And because they live at the foot of Baker’s Mountain, they get to see a lot of different wild animals, but they do not feed them. She would just like to see this continue, because that is how this community started out; it was a small farming community where you could raise your family in peace and safety, thank you. Mr. McBrayer thanked her.

- **Wayne Spurlin**, 6701 Spur-Tree Lane, Hickory NC, signed up to speak. He declined, saying his questions had all been answered.

- **Faye S. Petree**, 6702 Spur-Tree Lane, Hickory NC, signed up to speak but declined.

- **Ann Harden**, 1209 Doe Run, Hickory NC, signed up to speak but declined, saying all of her questions had been answered.

- **Angela Christopher**, 4239 River Road, Hickory NC, addressed Commission members, saying most of the issues she had were already addressed. However, she asked if anyone had thought about how people will get to the Highway 127 that is going to be expanded. The interchange on I-40 and 70, having four (4) lanes coming down from Lenoir that suddenly merges into two (2), and right now, with the Highway 127 exit, you back up onto Highway 321. What are you going to do in the future, after adding this type of development? Thank you.

- **Robert Christopher**, 4239 River Road, Hickory NC, addressed Commission members, saying he agreed with everything his wife had just said. He referenced the man who talked about erosion earlier, saying they are seeing this right now at a development in Charlotte. The developers move out and people’s property is dropping behind their house, things like that, and thank you. Mr. McBrayer thanked him.

- **David Mikeal**, 5228 Joseph Court, Hickory NC, signed up to speak. He declined, saying his concerns about the traffic situation had been addressed.

- **Bryan Jackson**, 1875 Plaza Drive, Hickory NC, addressed Commission members, saying he had several questions. This is his first time for seeing this, and they mentioned they would have lower density than what the zoning would allow right now. So, if he understands that right, why does it need to be rezoned at all? And his next question would be, if that is being done, what is to stop them from going back to one of their other plans with the higher density? That was all he had to say. Mr. McBrayer thanked him.

- **Robert Carswell**, 3971 Highway 127 South, Hickory NC, addressed Commission members, saying he was opposed to the planned development. He asked to see the planned development requirements again, and slide #14 (Planned Development Regulations) was returned to the screen. He said there are a lot of requirements listed that he is not seeing fulfilled in their package, such as landscaping and buffering, and other things. Is everything that is supposed to be included actually in there? What about location, height, dimensions of all signs? What about the height of the actual structures that will be in there? It needs to fulfill the requirements. You do not have jurisdiction over traffic and schools, but it sure requires your consideration; it is important to take into consideration, especially how it is going to impact schools. It is important to consider the traffic flow.

Mr. McBrayer said the opponents’ time had expired. He asked if members wanted to extend their time.



Sam Hunt moved, seconded by Bill Pekman, to add a 15-minute extension of time for the opponents to speak. The motion carried unanimously.

Mr. Carswell continued. He asked to see the map again, and mentioned the NC Highway 16 widening project. Slide #16 (Preliminary Master Site Plan for Karsyn Ridge) was returned to the screen. He said people are going to have to turn right coming out of there and go to the first available U-turn to go back toward Hickory. Pointing to the two (2) entrances to Highway 127, he said traffic on the 3-lane road through there is also influenced by people coming out of Lowes Foods. There are also people entering the highway from Food Lion, the gas stations and nearby restaurants, so all that traffic is already on the road anyway; this is going to create a nightmare. And if Highway 127 is widened, according to the current plan for 4-lanes, it is a divided highway and you cannot turn left to go to Hickory; you have to turn right, and probably go to Bethel Church Road to do a U-turn and come back to go to Hickory. Does anybody care? Has anybody given any consideration of that? Evidently not, so here we are, and you are going to pass this thing; you already mentioned in the package that it has a favorable recommendation.

Mr. McBrayer interjected that Mr. Carswell was actually referencing the favorable recommendation from City staff, not from the Planning Commission. Mr. Carswell withdrew his statement and said thank you. Mr. McBrayer thanked him.

- **Doug Chapman**, 5765 Nello Drive, Hickory NC, addressed Commission members, saying he would skip over a few things that were already mentioned and talk about what the members do have jurisdiction over. He said their responsibility is to make a recommendation to the City Council, based on the Land Use Plan and the 2030 HBC Comprehensive Plan. Referencing slide #17 (HBC 2030 Comprehensive Plan, Chapter 3 Goals & Policies), he said goal #1 presented here tonight says this development will fit in with the community, but this project does not fit in with the community, because there are no areas anywhere near this property that are this dense. It is mentioned that these are single-family homes, and he understands they are detached single-family homes on lots, that are very small. The only reason the attached single-family homes are called “single-family homes” by the City zoning definition, is because it is showing a lot line, and it has a little patch of grass in the front and a little patch of grass in the back. No housing in that area has that small of lots. The smallest lots around (Highway) 127 are about a third of an acre; everything else is even larger than that. So, it does not fit in with the community.

Mr. Chapman said goal #2 talks about pedestrian access to daily services. There are no sidewalks anywhere near this property for the residents in this community to use for walking, so this project is not walkable. Yes, the staff report says that you can drive, because it is closer. But that puts more traffic on the road that we have already talked about, so it does not meet that goal either.

Mr. Chapman said goal #5 talks about close proximity to employment areas, but you cannot walk to those; they are talking about two (2) parcels here. So, this project does not fit in with the goals of the comprehensive plan; if you look at the 2030 Plan that was presented tonight, the map showing the type of development for that area, the City’s plan for that area, says Low Density Residential, and no one can say that this project is Low Density Residential. The staff report mentioned that you could develop 210 units on this lot because the front is zoned Commercial. Yes, the front property is zoned Commercial, but that front property is also in the WS3 Watershed Protection Area. That has not been mentioned. The staff report that you have in the zoning application says there are no overlay districts on this property. According to the City and the County GIS Department, that is incorrect. The front of this property, that is currently zoned Commercial, is classified as WS3, a protected watershed area for the Jacob Fork River. So, it could not be developed with that many units; watershed protection will not let you put that many units, 30 units per acre, on the property.

Mr. Chapman said a gentleman mentioned earlier that it did meet the development requirements. In your staff report, the development requirements stated they were supposed to provide a conceptual grading, site preparation drawing, and stormwater management plan. In what was presented tonight, that sentence was changed, because they did not provide a grading plan, they did not provide the building elevations for all of those buildings in your staff report that came through. He just wanted members to understand, that everything they have been told is a little

bit incorrect, or some things have been changed. He would also say that the applicant's application says the property is vacant; it is not vacant. He told you it is not vacant, it has a rental house on it. So, you just need to understand the information that has been given you, and there are clear reasons not to approve this project, because it is not consistent with the City's 2030 Plan. Mr. McBrayer thanked him.

- **April Smith**, 6382 Willow Bottom Road, Hickory NC, addressed Commission members. She thanked the members for serving, saying it is an important responsibility and she personally appreciates their time and efforts in making these important and tough decisions.

Ms. Smith said, bottom line, GTC Investment Properties from Punta Gorda, Florida owns about a 30-acre farm. They want to maximize profits and have asked you to make it a high-density development in the middle of a rural community; it is leapfrog development, and it is bad. If you want to see bad development, follow the course they have in south Florida, because they are trying to spend \$20 billion to fix the Everglades Watershed that supports everyone who works down there. Do not make the same mistakes. You want to be well crafted, and this plan is not well crafted. She said that, as the previous speaker mentioned, it does not meet the goals of the Comprehensive Plan; it just does not fit. It is like landing a mother ship in Mountain View, and you are like, whoa, where did that come from. Pedestrian access and open space? Not really. You have a dog park and mailboxes. And convenient access to amenities and employment areas? Nope. Citizen participation in planning? Well, we will see about that. All of them are here tonight, and they have big concerns; they hope members will represent them in making this decision, and make the right one. She understands, GTC comes up from Florida, it is worth a shot, right? Why spend all the money, time and effort to develop an urban corridor where you already have the infrastructure and services.

Ms. Smith said she had been in Hickory for 12-years and they are staying here forever, after 30-years in the Army. The City knows there are properties in Hickory that are perfect for this sort of development. Not in Mountain View, it just does not fit. It is not consistent with your goals, and it is not well crafted. She also wanted to mention the Catawba River Watershed. American Rivers named the Catawba River one of America's most endangered rivers, and the Southern Environmental Law Center named the Catawba River Basin as one of the top most endangered places in the southeast. Let's do things right here; let's be well crafted. And please, say no to this proposal; please recommend denial of this proposal, and thank you. Mr. McBrayer thanked her.

- **Karen Fulbright**, 6172 NC Highway 10 West, Hickory NC, addressed Commission members. She thanked the members, saying their job is not an easy one, but it does have to be done. She knew members would rather hear "ditto," but she wanted to tell them that she lives on Highway 10 and works in Granite Falls. She risks her life every single day going through Mountain View and getting on Highway 321, and then going through that I-40 corridor the other speaker was talking about. And she is not a timid driver.

Ms. Fulbright said the grocery stores cannot handle this extra influx, the gas stations cannot handle it, the restaurants cannot handle it – there is no part of Mountain View that can handle that much more influx. All those new families and cars, all these units they are talking about having, there will be at least 1.5 or 2 new vehicles per unit that are entering that highway every day. And all of these places to go and shop, they just cannot handle it. The other thing she wanted to say is that her husband is a beef cattle farmer, and they have rented their farm for 20-30 years, back before Fred T. Foard High School. Of course, they came in and purchased that property and built the new school, after they had had it for years and years. The devastation to the farmland they were renting – the fences and the cattle and the overflow, and the whole thing, while they were building it and after it was built – it was unbelievable. So, about the Blalock property, which has been there for generations and generations, and now they are a young family, a granddaughter of the gentleman who had first lived there and had cattle forever and ever. That is all it has ever been, cattle property and agriculture. They are young; they are in their 30s with a young family. They are building a beautiful business there, raising cattle; do not sabotage them. And that is exactly what this project is going to do, thank you. Mr. McBrayer thanked her.

• **Carla Williams** (no address stated) addressed Commission members, saying she is an owner of the Gourmet Popcorn business in Mountain View, and her store will abut the location of this project. As others spoke about earlier, there will be an influx of traffic, and you risk your life there now when turning left. She tells her customers every day to watch for traffic and look both ways 20 times before you turn left. If she needs to turn left, she will turn right and then go to Food Lion to turn around and go in the other direction, because she does not want to get killed turning left out of her own parking lot. It is a nightmare.

Ms. Williams said the schools cannot handle the influx; they are already overcrowded. Some classes are in trailers now, which is not fair to the students or the teachers. Who is going to fund more teachers? What will it cost to provide services to their area? Is the City going to provide more budget money for the police officers? Or for calls for service to EMS, or fire? Who is responsible for that? They are already 30 officers down in Hickory, and this is going to be in their city limits. Who is going to respond to that area ... the County? the City? Who has it covered? Are you going to wait extra minutes for someone to come? She thinks all these questions should be considered and thought about, because it means the safety of the citizens in Mountain View. Mr. McBrayer thanked her.

• **Lorraine Saporito**, 5015 Orchard Park Drive, Hickory, NC addressed Commission members, saying she heard someone say this project is not well crafted, but she also heard a lot about taxes and capitalism. They all try to trust their government, and they all try to be good representatives of Mountain View, but there is no representation here. She said Mr. Pekman had asked a very smart question of whether anyone had asked the members of the community about this project, had the developer reached out to them, perhaps offering to hold a meeting with them? Perhaps this would be a very different meeting, if that had been the case.

Ms. Salborito's question was why anyone in the City, from their own elected officials, would recommend what we have here today. You said this had been in the works since August, and yet not one brilliant mind has recommended reaching out to their citizens. She thinks that is wrong and is very concerned that they are not represented at all. In 2001, there was a Mountain View committee – and she thinks some of the people here served on it – that had a voice in regards to development, planning, and culture. What are we crafting if we are not considering the culture our communities? We are eradicating it, and turning it over to strangers. She thinks it is time that Mountain View residents stand together and demand representation, and if they don't, perhaps they need to do something about their representatives. Thank you.

Mr. McBrayer thanked her. He said their 15-minutes had expired, and asked if any other opponents were present and wanted to speak. Noting at least two (2) hands raised, he asked if members wanted to extend their time.

Philip Reed moved, seconded by Bill Pekman, to add a 15-minute extension of time for opponents to speak. The motion carried unanimously.

• **Anonymous**, (no name or street address stated), Hickory NC, addressed Commission members, saying he reserved the right to his name, and would not identify himself or provide his address. Ms. Dula asked him to provide some type of identification, and he said that he lives in Mountain View. Ms. Dula said okay. He said all he wanted to say was, how much more can Mountain View take? Thank you.

• **Lacy Fowler**, 1654 Woodridge Circle in Mountain View, addressed Commission members, saying that she had not planned to speak tonight, she just wanted to hear what was said. But one thing she felt had been danced around and not specifically explained, was that the Mountain View area is one of the most desirable areas, and anyone who has looked at the housing market recently knows that. One of the main reasons for that is the excellent school system they have and she feels they should consider that. If (Highway) 127 is widened, and their businesses are difficult to get in and out of, due to the turning (issue), and then their school system becomes overrun and they are not drawing enough people into the area, then they will have an excess; all of this progress and the buildings will be in an area that is no longer thriving enough to fill it. The gentleman proposing this said there was an area in another county where they had created townhomes they expected to fill, but did not. She knows that people from Charlotte and the surrounding areas are flooding in here, and people need somewhere to go; they may be going to Mountain

View trying to find a place to live, but she does not believe these will be filled by the current residents of Mountain View or people with the same sense of community as the people who currently live there. So, they may be filled, but she thinks it will change the dynamic in the area. But the people who are currently there for the good school system and the quiet life will be, and it will hurt them. Mr. McBrayer thanked her.

- **Maria Araya**, 3694 Serenity Drive, Hickory NC, addressed Commission members, saying one thing she had not heard said was about a development going on Zion Church Road with 121 houses. You will have to turn from (Highway) 127 to get into that development, and she does not know if these folks are looking at this area and seeing all of that growth, but with 121 houses going in the same location, it is going to be chaos. And there is another one that is now in the process of building another 60 houses, plus another one on River Road that has been there for a while now, because the land is not selling for the small houses. Her concern is that, plus the environmental, because the City of Hickory is also building a sewer plant, and he had mentioned something about going ahead and doing a pump for a sewer system. So, that is going to smell, all around the area. It will be the same as in their area on River Road, and they get to smell it often. It is just like the previous lady said, this is not the right place to build something like this, and thank you. Mr. McBrayer thanked her.

- **Sue Smolka**, 5892 Deerfield Lane, Hickory NC, addressed Commission members, saying she tried to not get up and speak, that she knew everyone was getting tired. She asked members to look around; it is a drizzly, cold January night, but all of them had felt compelled to come here because it is important to them. Their school system's buses run by her house at 6:30 in the morning to pick up kids for the elementary school. That's 6:30 in the morning; they do not have enough buses, so they go and make multiple trips. With these 200 new houses, what time are they going to start picking up the kids for kindergarten, 5:30 in the morning? They currently start serving lunch at 10:00 am, and go until 2:00 at the elementary school, because they do not have enough capacity in the dining room to bring all the kids in. So, a kid who is 5-years old gets on the bus at 6:30 in the morning, gets to school and hangs out, waits around until 7:30 or 8:00, whatever time it starts, then they have lunch at 10:00 in the morning and wait until 2:00 pm to get back on the bus, and then they get home at what time, 4:00? And this is a 5-year old? It is crazy.

Ms. Smolka said she believes in profit; she is a capitalist from A to Z. But you do not make profit on the backs of somebody else; you do it through your own efforts. This is going to sabotage their children; they are the future, and it is just wrong. If they want to invest in building up the schools, and hiring the teachers and getting more buses, things like that with some of the profits they are going to make from the 200 units, that would be something to talk about. But that is not what they are talking about; they are going to make their money and go back to Florida, and the residents are going to be left to pick up the pieces for their children. It is just not right.

Ms. Smolka said Highway 127 has deadly accidents every week; maybe not deadly, but every single week they have an accident with injuries, with ambulances; sometimes there are multiple accidents, every single week. That is real; that is right now. It is not after we put in another 200 or 300 cars. How are we going to take care of all that in 5-10 years? The Highway 127 expansion has been on the books for over 10-years, probably for 20 or 30. Is that really going to happen in 5-years? She has heard that it will be done in 5-years ever since she came to Mountain View 20-years ago, and it is still 5-years off, there is always something more important. She is sure it is a great project, she is sure they will build beautiful homes and the 200+ people will be great when they are not smelling raw sewage, but it is wrong for the streets and it is wrong for the schools. Thank you. Mr. McBrayer thanked her.

- **Gary Abernethy**, 4394 Highway 127 South, Hickory NC, addressed Commission members, saying he has lived in Mountain View his whole life and is a farmer, with numerous acres. He drives up and down the road with his equipment, and it is a nightmare; you would not believe how many times he gets the 1-finger salute when he is on the road driving his tractor. His dad had 200-acres of property, and he did not call on some multi-million dollar outfit out of Florida, he developed it himself with three (3) acres per house, and not a single person objected to it. And that was all he had to say. Mr. McBrayer thanked him.

No additional opponents were present to speak.

Mr. McBrayer said the proponents would have 5-minutes for rebuttal. He asked the applicant if he had anything to add, or wanted to respond to anything said by the opponents.

### **PROPOSERS – REBUTTAL**

• **Greg Williams** said that, he guessed, the biggest thing he wanted to rebut is ... he is not from Florida. He grew up in North Carolina and has lived here for his 64-years, with a lot of it lived in Union County. It is not Catawba County, but it is very similar to Catawba County with a lot of similar heritage and ancestry. The folks they are buying the land from are from Florida. How long have they owned the land, or why did they buy the land? He has no idea, but he agreed to a price to purchase it from them.

Secondly, Mr. Williams said everyone here is concerned about the traffic. They looked at property across the state, and one of the reasons they looked at this property is that it is in a beautiful area; there is a reason it is called Mountain View. They think it will make a great neighborhood. It is a great location, with convenient access to Highway 321 and the ability to go south to Lincolnton and Gastonia, or north into the mountains, or go east on I-40 to Statesville, or west to Morganton or Asheville. This, plus the industrial and commercial growth that is occurring in your city. But he guessed the biggest thing he really wanted for people to know, is that he is *not* from Florida. Not that he has anything against Florida though.

Mr. Williams clarified that a sewer pump station is not an open sewer, it is a sealed system that pumps the fluids from one location, up a hill, to directly flow it to another location, and it probably goes on to other pump stations, but it eventually goes to the sewer plant to be treated. It is the basis of all sewer systems throughout the country. And in Hickory, particularly with the topography, he is sure there are a lot of pump stations here. He said you have to have them, in order to move fluids, but they do not anticipate having any issues in that regard.

Regarding schools, Mr. Williams said he had raised four (4) children and has 8 grandchildren, and another one is 30-days away. Everyone here is concerned with schools. But everyone knows, as realists in the world, that government is re-active; everyone would like for government to be pro-active, but you cannot build schools until there are users for the schools. You guys do not have that authority; that goes back to Council and goes back to the school board to make recommendations on it. It makes your job that much tougher, because that is a concern of anyone who is a parent about how their child is educated. No one wants to sabotage that, and we are fortunate in North Carolina, generally, to have good public schools. As one lady here said, Mountain View has very good schools, and that is another thing that drew them to this area.

Mr. Williams said they want to be good corporate citizens; they want to do the right thing, and work with people. He asked Randy Hefner to accept his business card, because *if* there are any erosion issues down the road, they want to know about it. They do not want mud from their project's property washing down onto the neighboring properties; they do not want to do any environmental harm to those cattle farms. He respects and honors what they do there and, in fact, he grew up in a family of ancestry farmers. That is important to his development group, too; communities need farmers, but they also need shelter for people to live in, and this project offers an opportunity to bring more shelter to this community. He thanked everyone for their time, and said he hoped they would receive a favorable recommendation when the members vote. Mr. McBrayer thanked him.

No other proponents came forward to speak.

Mr. McBrayer said the opponents would have 5 minutes for surrebuttal.

### **OPPONENTS – SURREBUTTAL**

• **Dean Watts**, 2086 Moss Farm Road, Hickory NC, addressed members. He did not speak earlier in the hearing, but said he fights the traffic, as everyone in their community does, and it is a challenge. He encouraged anyone who was willing to go and try to turn left out of Moss Farm Road, saying that if they do, they will be taking their life in

their hands. His family has lived in the area for about 27-years, and it has continually worsened over time. The traffic and space in the schools are the biggest issues for him. It is not safe now, and it will only get worse. Mr. McBrayer thanked him.

• **Doug Chapman** said he could support what Mr. Williams had said, saying the property was bought by George Condeelis some years ago; he had lived in Hickory, but this family lives in Florida. Mr. Chapman did not know if Mr. Williams was required to do a traffic impact analysis, but said the residents all know traffic is a problem. He does not know if the City wants to consider making them wait until the road has been widened before building the development, but there are a number of concerns. Earlier, he had mentioned the fact there had not been a grading analysis, saying that if you look closely at the topography on this site, he does not think the detached single-family homes, what they are calling the townhomes, can be built in that area, based on the cross slope from one side of the property to the other, where it is fairly narrow. So, it may not be possible to build all of this, but it should not be approved if it cannot be built, and functionally. He knows the City usually waits until after this approval process, but once it is rezoned, the Planned Development (zoning) allows pretty much anything to be done. Mr. McBrayer thanked him.

No other opponents came forward to speak.

Mr. McBrayer closed the public hearing. He asked for discussion or questions from members on Rezoning 24-02.

Dr. Pekman asked Planning Director Brian Frazier to discuss the watershed in front of the property.

Mr. Frazier apologized, saying staff did miss the watershed, which they had noted in an e-mail sent to the Planning Commission earlier this week. He said what the gentleman said is correct; it will definitely shrink the density, mostly in the area closest to (Highway) 127. Right now, most of that is CC-2, but not all, and the developer is aware of that. It was brought to the staff's attention just a few days ago.

Dr. Pekman asked if it would affect the residential area. Mr. Frazier said it might affect it slightly; some of the density may change because of that watershed, but that is something professional staff at the State, County, and City level will review, should the rezoning be approved or not by City Council. The applicant would still have to come back to meet with staff and submit plans that various regulatory agencies will have to sign off on. Mr. McBrayer thanked him.

Mr. McBrayer said they had talked about schools and the traffic, and he heard what everyone had said, but in a quasi-judicial hearing like this, you need to have evidence from a certified realtor stating that property values would go down, or have traffic study results, or an education study on the schools. And as he has said, time and again, he wishes it were mandated that developers all be required to hold a meeting with the nearby neighborhood, because the Planning Commission cannot answer the residents' questions, but the developer could. And so, Commission members spent quite a bit of time here hearing all their concerns about it, but the members have no real answers to offer to the residents. The Commission members' purpose here tonight is to recommend either approval or denial of this rezoning, and then forward it to City Council; they will make the final decision on it. He said it really concerns him that so much time is spent on zoning issues, with numerous people coming here to ask so many questions the Commission members cannot answer, when at least 75% of them could have been answered during a neighborhood meeting.

Dr. Pekman said there is another issue – neither the City Council or this Commission can correct traffic problems; the City cannot correct traffic problems. The State of North Carolina's Department of Transportation (NCDOT) requires that you have a problem before they will correct it. And so, if you do not have a development, you do not have a traffic problem. You have to build the development first.

Mr. Hunt said the Commission follows the City's guidelines in making all of their decisions.

Dr. Pekman said first and foremost, this piece of land has been in Hickory's city limits for 15-some years and it is currently zoned R-1. If the Commission turns the developer down, he has the right to take his 29-acres and put at least 29 homes on it now, or he could put in a trailer park, or a cell tower; he could put in anything he wants to that is compatible with R-1 zoning. And many of those choices in R-1 are not going to be nearly as palatable to anyone as a planned development will be, because a planned development is very restrictive. You cannot change a planned development without coming back to either the City Planning Department or this Commission and requesting approval. You have far greater erosion control, you have open space set aside, and you have much more control. From that perspective, a planned development is far better.

Dr. Pekman said he clearly understands this as a classic case of urban vs. suburban, but this piece of land has been there for 15-years. It is going to be developed, and it is going to be developed according to the rules that govern City development, and not County. It would be completely different if this piece of land were in the County. He did not know how the facts could be ignored; he did not know how you could tell someone who owns that land they could not develop it. He would far prefer for this neighborhood and everyone in this room to see a planned development go there, not a trailer park. If it comes to the Commission as a request for a trailer park and it meets all the City requirements, then that would be a possibility. There is no easy or perfect solution in this situation. He deeply understands that everyone wants to live in the same neighborhoods they have all lived in before, but he thinks it would be far preferable that this be developed as a planned development.

Mr. McBrayer requested a motion to recommend approval or denial of Rezoning Petition 24-02.

Bill Pekman moved, seconded by Anne Williams, that the Planning Commission recommends approval of Rezoning Petition 24-02, and forwards a recommendation of approval to Hickory City Council. There was no discussion on the motion. By a show of hands, the motion carried on a vote of 6 to 1.

Voting in favor of the motion were Bill McBrayer, Bill Pekman, Junior Hedrick, Anne Williams, Steve Mull, and Sam Hunt. Voting against the motion was Philip Reed.

Mr. McBrayer said the motion had passed. He reminded everyone attending that this was purely a recommendation from the Planning Commission to City Council, noting they do not always follow the Planning Commission's recommendations, such as in the third quarter of last year. He advised residents to attend the City Council meeting on February 6, when the final public hearing on this rezoning will be held. He thanked everyone for attending the hearing and being respectful of each other.

Following a 5-minute recess, the meeting reconvened.

**Other Business:** Mr. McBrayer asked if there was any additional business for members. Mr. Frazier said that, at this point, staff did not expect a Planning Commission meeting would be held in February. However, the submission deadline was a week away and a February meeting might be needed. They currently had one (1) public hearing scheduled for the March 17, 2024 meeting.

Dr. Pekman requested that staff send the members a 2024 meeting schedule. Mr. Frazier said they would, noting he had talked with new Commission member Rob Lelewski and he plans to attend future meetings.

Mr. Frazier said during his entire tenure with the City there have been over a dozen proposals for this property, but only two (2) of them made it through to the Planning Commission. The County is trying to organize a network providing more communication between the elected bodies, planning boards, and the schools. The schools had contacted the County, and then the City, about development. All three (3) districts asked his staff what developments are coming. Mr. Kirby graciously provided that to them, and they did not have a problem. As for traffic, with the widening of Highway 127, the State has already done a TIA; they are not going to do a TIA for this project. They have already reviewed the plan, and they said a TIA is not necessary because they had already done one. He said one lady had spoken correctly tonight by saying many years ago they had said the widening would be

done in 5-years. Actually, he is still waiting for 29<sup>th</sup> Avenue NE to be widened, and for Startown and various other roads to be widened. He said no one could tell the developer they need to wait until the NC Transportation Board decides what to do; that is their option. And in fact, he said the staff did ask the developer to reach out and hold a neighborhood meeting, but that is up to them; staff does not mandate that. Staff has asked Council and the City Manager's office about that before, but the staff's recommendation was not heeded, and that is fine. But this land has seen numerous project proposals before, and as for the historic structure on the property, staff has no power over that situation, and it is not currently listed on the local Historic Register.

Mr. McBrayer noted that each Commission member in attendance had retired, except for him. Their members come to rezoning meetings and listen to the same questions, time after time, but they cannot answer any of the questions, or do anything. If developers held neighborhood meetings in advance, these meetings would be about half as long, because most of the residents' questions would have already been answered somewhere else. Mr. Frazier said all of their staff members had fielded questions regarding this project recently. They also spent a lot of time refuting what people had read on social media platforms regarding the project, much of which was not correct.

Dr. Pekman re-stated what he said earlier about the NCDOT policy on road widening, saying they respond after the development occurs, not before it has been built. He also noted that school enrollments are down, in general.

**Next Meeting:** The next regular meeting is scheduled for Wednesday, February 28, 2024, at 6:00 pm. Members will be advised in advance if the meeting is cancelled.

**Adjourn:** There being no further business, Mr. McBrayer declared the meeting adjourned at 7:50 pm.

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Bill McBrayer, Chair  
Hickory Regional Planning Commission

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Anne Starnes, Minutes Clerk  
City of Hickory



## REZONING ANALYSIS

**PETITION:** 24-03

**APPLICANT:** Shilpabahen and Pravinkumar Patel

**OWNERS:** Shilpabahen and Pravinkumar Patel

**PROPERTY LOCATION:** SE corner of 16<sup>th</sup> Street NE and 29<sup>th</sup> Avenue Drive NE, including 1630 29<sup>th</sup> Avenue Drive NE.

**PIN:** 371419611284 and 371419616084

**WARD:** The properties are located in Ward 6 (Councilwoman Patton).

**ACREAGE:** 2.76 acres.

**REQUESTED ACTION:** Rezone the properties from R-3 Residential to Neighborhood Commercial (NC).

**BACKGROUND:** The properties are currently zoned R-3 Residential. The eastern parcel has been zoned as such since February of 2011. The western parcel was zoned NC until January of 2013, when the prior owner petitioned to have the property rezoned to R-3 Residential. Both properties are currently vacant.

**DEVELOPMENT POTENTIAL:** The current R-3 Residential district allows residential uses (single, two family and multifamily) at maximum density of 8 dwelling units per acre for single-family and 10 units per acre for multifamily. Under the current zoning the properties could theoretically yield up to 27 new dwelling units.

The requested NC Neighborhood Commercial district allows residential, office, retail, and mixed-use development. Residential density is permissible up to 30 units per acre, while non-residential development is permissible up to a floor area ratio of 2:1. These intensities could theoretically produce up to 83 new dwellings or over 100,000 ft<sup>2</sup> of non-residential or mixed use development. However, design constraints would reduce the stated maximums.

**REVIEW CRITERIA:** In reviewing and making recommendations on proposed zoning map amendments, review bodies shall consider the following factors:

1. Consistency of the proposed zoning with the *Hickory Comprehensive Land Use and Transportation Plan (Hickory by Choice 2030)* and the stated Purpose and Intent of this Land Development Code;

*The general area is classified as Neighborhood Mixed Use by the Hickory by Choice 2030 Comprehensive Plan. (Note: The Hickory by Choice 2030 Comprehensive Plan's Future Land Use map does not contain parcel line data, as the general boundaries of the land use categories are not concrete.) (Please refer to Map 1 for detail).*

The Hickory by Choice 2030 Comprehensive Plan states the following about Neighborhood Mixed Use areas: "A typical neighborhood mixed use district would have a mix of residential, retail and office space. The key elements for these districts include neighborhood scale commercial establishments; such as grocery stores, pharmacies, banks, small scale office buildings, civic or institutional functions, residences, schools, and small parks." (HBC 2030, Pg. 25).

The vicinity in which the properties are located possess most of these elements, with the exception of a community park. Additionally, the NC district is listed as the implementing district for the Neighborhood Mixed Use classification.

A stated goal of the comprehensive plan is to support a network of mixed-use centers. These mixed use centers are intended to be neighborhood scaled where residents have convenient access to goods and services. The existing mixed use center possess many of these. The quadrants of the intersection of 29<sup>th</sup> Avenue Drive NE and 16<sup>th</sup> Street NE contain offices (SECU), eateries (Marco's Pizza and Pizza Hut), medical offices (Frye Care, Helton Dentistry, and a pediatrician), multifamily housing (Argyle Place) an adult care facility (Brookdale Hickory).

Given these factors, the rezoning of the properties to NC Neighborhood Commercial should be considered consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.

**Section 1.7 of the Hickory Land Development Code contains its Stated Purpose and Intent. This section contains five (5) specific items which the Land Development Code is intended to uphold. These are as follows:**

- Implement the Hickory by Choice 2030 Comprehensive Plan.

*The properties are located in an area identified by the Hickory by Choice 2030 Comprehensive Plan as a mixed use area that provides opportunities for housing, services, and employment. The permissible uses and intensities of the NC district will work towards implementing the HBC 2030 Plan as was intended. The NC district is intended for locations similar to the location of the subject properties.*

- Preserve and protect land, air, water and environmental resources and property values.

*The development regulations contained within the Hickory Land Development code, coupled with regulations from the state and federal government, will work with one another to mitigate detrimental impacts to the extent allowed by law.*

- Promote land use patterns that ensure efficiency in service provision as well as wise use of fiscal resource and governmental expenditures.

*The subject properties have access to two NCDOT maintained roadways, 16<sup>th</sup> Street NE (1401) and 29<sup>th</sup> Avenue Drive NE (SR 1402), as well as access to public utilities. The property owner will be responsible for any necessary extensions needed for services, as well as any required transportation improvements. The land-use pattern of the area, with the inclusion of the subject properties, represents an efficient use of public services, and the wise use of public funding.*

- Regulate the type and intensity of development; and

*The current land use pattern of the larger area is mixed use in nature; with residential, office and commercial being present. The future use of the properties is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place or will be provided by the property owner / developer to*

*service any future development. These include public utilities and transportation infrastructure.*

- Ensure protection from fire, flood and other dangers.

*The subject properties will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, and property are properly protected as prescribed by law.*

2. Existing land uses within the general vicinity of the subject property (**Please refer to Maps below for more detail**):

- **North:** The properties are zoned R-2 Residential and NC Neighborhood Commercial and occupied by residences and a medical office (Frye Care).
- **South:** The property is zoned R-3 Residential and occupied by an adult care facility (Brookdale Hickory).
- **East:** The properties are zoned R-3 Residential and occupied by residences.
- **West:** The properties are zoned NC Neighborhood Commercial and occupied by an office (SECU) and an eatery (Marco's Pizza).

3. The suitability of the subject properties for the uses permitted under the existing and proposed zoning classification:

*The current zoning and use of the larger area is mixed use, with residential, office and retail being components. The current district permits residential as its primary use, which is promoted by the city's comprehensive plan. The requested district allows residential, but also allows for office and retail uses. Given the nature of the location of the properties at the intersection of two major thoroughfares, a mixture of land uses would be appropriate as envisioned by the city's comprehensive plan.*

4. The extent to which zoning will detrimentally affect properties within the general vicinity of the subject property:

*Most of the area surrounding the intersection, which would be part of the neighborhood mixed use center envisioned by the comprehensive plan, is utilized for uses that would be permissible should the properties be rezoned as requested. The land use pattern has already been established; any true negative impacts will be mitigated to the extent legal and practical.*

5. The extent to which the proposed amendment (zoning map) will cause public services including roadways, storm water management, water and sewer, fire, and police protection to fall below acceptable levels.

*Public resources to provide critical public services are in place or will be put in place by the property owner should development occur. These include public utilities, transportation infrastructure, as well as police and fire protection.*

6. The proposed amendment (zoning map) will protect public health, safety, and general welfare.

*Any future development that occurs of the subject properties as the result of the zoning map amendment, will be required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc.; which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.*

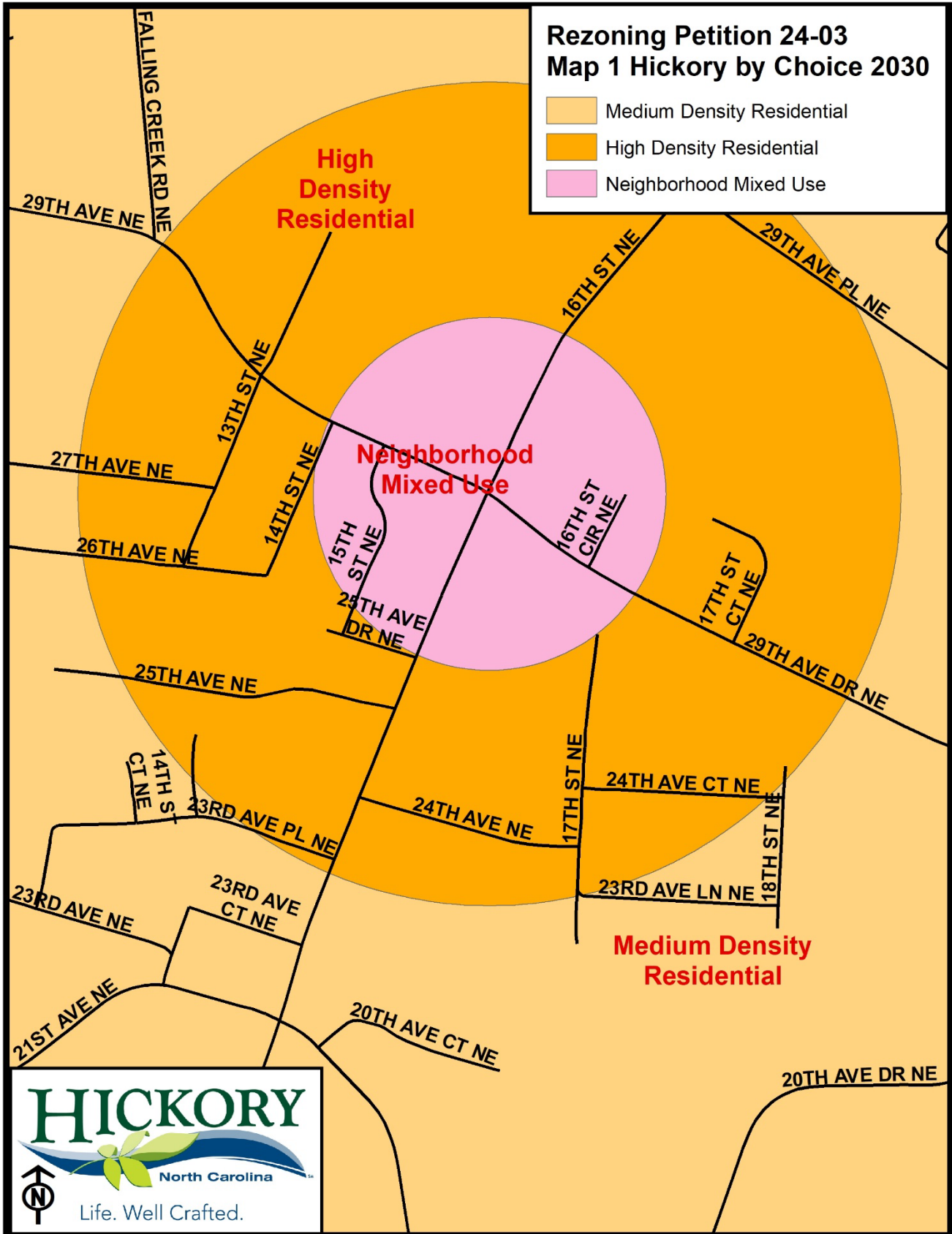
**RECOMMENDED ACTION:**

Staff finds Rezoning Petition 24-03 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:

1. The Hickory Regional Planning Commission adopt a statement affirming the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan; and
2. Forward a recommendation of approval to the Hickory City Council.

**CITIZEN INPUT:**

As of February 19, 2024, staff has received no inquiries regarding this petition.







**Rezoning Petition 24-03  
Map 3 Aerial Photography**

 Rezoning Area

Argyle Place Apartments

State Employees Credit Union





## REZONING ANALYSIS

**PETITION:** 24-04

**APPLICANT:** Piedmont Companies, Inc.

**OWNERS:** Matthew Varney and Ver Yang Varney

**PROPERTY LOCATION:** 2536 Startown Road

**PIN:** 372119509129

**WARD:** The property owners have petitioned for voluntary contiguous annexation, if annexed, this property will be located in Ward 3 (Councilman Seaver).

**ACREAGE:** 11.147 acres.

**REQUESTED ACTION:** Rezone the properties from Catawba County R-20 Residential to City of Hickory R-2 Residential.

**BACKGROUND:** The property is currently zoned R-20 Residential by Catawba County, and is in the process of being considered for voluntary annexation by the City of Hickory. If annexed, the owners have requested the property be rezoned to R-2 Residential.

**DEVELOPMENT POTENTIAL:** The property is currently occupied by a single family residence and located within the jurisdiction of Catawba County. The property is zoned R-20, which permits residential development at 2 dwelling units per acre. Given its size, a property subdivision could theoretically create up to 23 dwellings.

As part of the annexation process, the owners have requested the property be rezoned to R-2 Residential. This is a residential district, which permits a maximum density of 4 dwelling units per acre. The property could theoretically yield up to 45 dwellings.

**REVIEW CRITERIA:** In reviewing and making recommendations on proposed zoning map amendments, review bodies shall consider the following factors:

1. Consistency of the proposed zoning with the *Hickory Comprehensive Land Use and Transportation Plan (Hickory by Choice 2030)* and the stated Purpose and Intent of this Land Development Code;

*The general area is classified as Medium Density Residential by the Hickory by Choice 2030 Comprehensive Plan. (Note: The Hickory by Choice 2030 Comprehensive Plan's Future Land Use map does not contain parcel line data, as the general boundaries of the land use categories are not concrete.) (Please refer to Map 1 for detail).*

*The Hickory by Choice 2030 Comprehensive Plan states the following about Medium Density Residential areas: "Medium density residential areas make up a large portion of the City north of I-40, as well as smaller areas in the southeastern part of town. These residential areas are associated with each neighborhood mixed use area as well as adjacent high density residential districts and/or higher intensity commercial districts throughout the City. Medium density residential areas will expand the existing housing character in the City, and they will provide a medium density housing option where the gross density would be approximately two to four units per acre in established single-family detached areas, and eight to ten units per acre in historically mixed residential areas*



*with higher density. Although the housing density would be less than the high-density residential areas, pedestrian and vehicular circulation strategies employed here will continue the pattern of connectivity from the more intensely developed areas. Most of the land in this land use category is in areas where natural constraints are fewer. Conservation subdivision principles should be used to conserve flood plains, wetlands, and minimize storm water runoff in watershed protection areas. The use of conservation design principles should look beyond individual subdivisions in the medium density residential area and identify opportunities for connecting to open space in other areas of Hickory” (HBC 2030, Pg. 25).*

*A land use goal listed in Chapter 3 of the Hickory by Choice 2030 Comprehensive Plan also demonstrates the plan’s vision for land use and the requested rezoning. One goal is to provide for uses that complement the surrounding area. The requested district is a residential district, as is the existing district, but the notable difference would be density. The current zoning permits density up to 2 dwellings per acre, while the requested zoning permits 4 dwellings per acre. While density may be different, the types and forms of uses are very similar. The requested zoning also serves as somewhat of a transition between the existing lower density residential areas and the more intense residential and industrial projects to the north.*

*Given these factors, the rezoning of the properties to R-2 Residential should be considered consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.*

**Section 1.7 of the Hickory Land Development Code contains its Stated Purpose and Intent. This section contains five (5) specific items which the Land Development Code is intended to uphold. These are as follows:**

- Implement the Hickory by Choice 2030 Comprehensive Plan.

*The properties are located in an area identified by the Hickory by Choice 2030 Comprehensive Plan as a medium density residential area that provides opportunities for residential development. The permissible uses and intensities of R-2 Residential zoning a very similar to those of the existing R-20 Residential zoning, with the difference being at a higher density. Additionally, R-2 Residential zoning is listed by the comprehensive plan as an implementing district for medium density residential areas.*

- Preserve and protect land, air, water and environmental resources and property values.

*The development regulations contained within the Hickory Land Development Code, coupled with regulations from the state and federal government, will work with one another to mitigate detrimental impacts to the extent allowed by law.*

- Promote land use patterns that ensure efficiency in service provision as well as wise use of fiscal resource and governmental expenditures.

*The subject property has access to a NCDOT maintained roadway, Startown Road (SR 1005), as well as access to public utilities. The property owner will be responsible for any necessary extensions needed for services, as well as any required transportation improvements. The land-use pattern of the area, with the inclusion of*

*the subject property, represents an efficient use of public services, and the wise use of public funding.*

- Regulate the type and intensity of development; and

*The current land use pattern of the larger area is predominately residential in nature. The exception to this is the Trivium Business Park, which houses several large manufacturing facilities and serves as a large employment center. Any future residential use of the property is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place or will be provided by the property owner / developer to service any future development. These include public utilities and transportation infrastructure.*

- Ensure protection from fire, flood and other dangers.

*The subject property will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, and property are properly protected as prescribed by law.*

2. Existing land uses within the general vicinity of the subject property (**Please refer to Maps below for more detail**):

- **North:** The property is zoned Planned Development (PD) and is being developed for single family homes.
- **South:** The property is zoned R-20 Residential by Catawba County and occupied by a single family home.
- **East:** The properties are zoned R-20 Residential by Catawba County and is vacant.
- **West:** The properties are zoned R-20 Residential by Catawba County and are occupied by a single family home or vacant.

3. The suitability of the subject properties for the uses permitted under the existing and proposed zoning classification:

*The current zoning and use of the larger area is predominantly residential, with the exception of the Trivium Business Park. The current district permits residential as its primary use, which is promoted by the city's comprehensive plan. The requested district does the same.*

4. The extent to which zoning will detrimentally affect properties within the general vicinity of the subject property:

*Most of the area surrounding the subject property is residential, and the requested district is residential. Being the requested district is residential in nature, if ever developed, such development, would add additional residences to the area.*

5. The extent to which the proposed amendment (zoning map) will cause public services including roadways, storm water management, water and sewer, fire, and police protection to fall below acceptable levels.

*Public resources to provide critical public services are in place or will be put in place by the property owner should development occur. These include public utilities, transportation infrastructure, as well as police and fire protection.*

6. The proposed amendment (zoning map) will protect public health, safety, and general welfare.

*Any future development that occurs of the subject property as the result of the zoning map amendment, will be required to be adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc.; which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.*

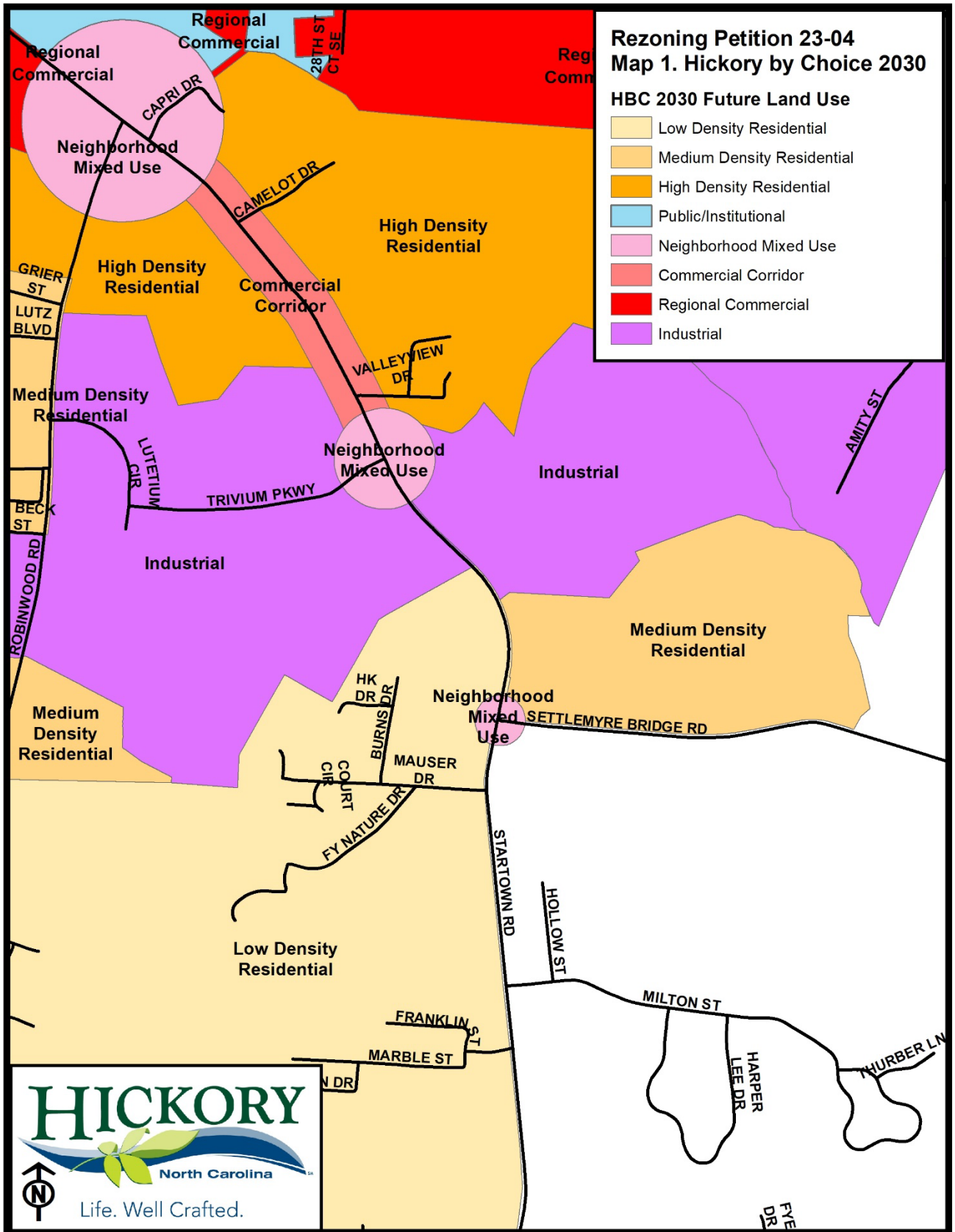
#### **RECOMMENDED ACTION:**

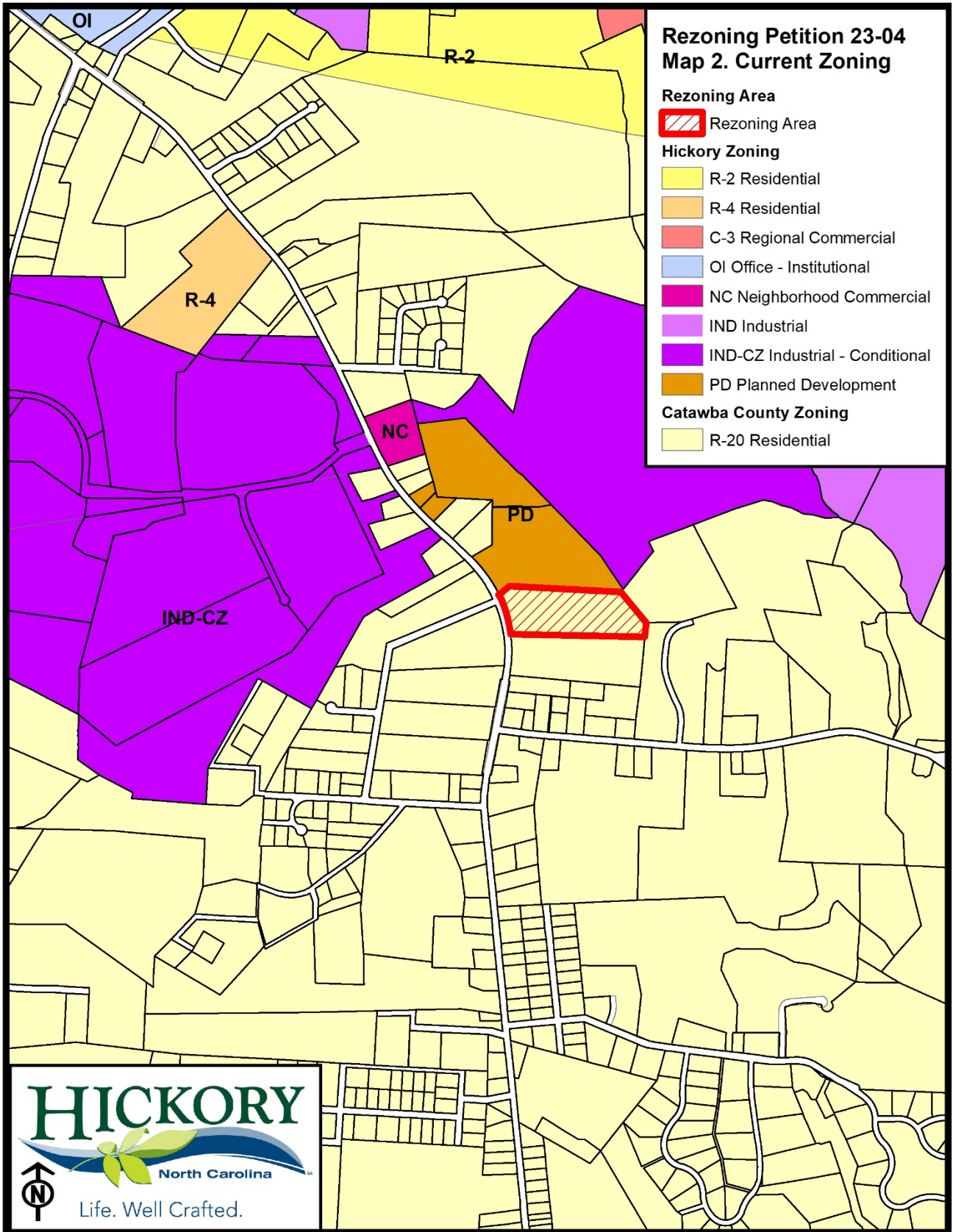
Staff finds Rezoning Petition 24-04 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:

1. The Hickory Regional Planning Commission adopt a statement affirming the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan; and
2. Forward a recommendation of approval to the Hickory City Council.

#### **CITIZEN INPUT:**


As of February 19, 2024 staff has received no inquiries regarding this petition.







**Rezoning Petition 23-04  
Map 3. Aerial Photography**

 Rezoning Area

