



The Hickory Regional Planning Commission will hold its regular meeting on **Wednesday, January 24, 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
- Swearing in of New Members
- Items of Correspondence
- City Council Action
- Approval and signing of minutes from the December 6, 2023 meeting.

PRESENTATIONS AND PUBLIC HEARINGS

1. Rezoning Petition (RZ) 24-01. Request by Dustin Davis for the consideration of rezoning approximately .54 +/- acres of property owned by Donald C Scronce, located at 2010 Startown Road between Short Road and Robinwood Road, from Low Density Residential (R-1) to Regional Commercial (C-3). The subject property is shown as PIN 3721-09-05-4815 on the Catawba County Tax Map.
2. Rezoning Petition (RZ) 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 PIN 2791-18-42-3423, 2791-14-20-0860, 2791-14-42-9844, 2791-14-42-9883 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

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

Hickory Regional Planning Commission
Catawba County
Catawba County
Burke County
Ward 1
Ward 2
Ward 3
Ward 4
Ward 5
Ward 6

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Appoint	Expire
Steve Mull	P	P	P	AX		AX							Jul-22	Jun-25
William Pekman	P	P	P	P		P							Jul-21	Jun-24
Vacant													Dec-19	Jun-26
Bill McBrayer	P	P	P	P		P							Jul-22	Jun-24
Philip Reed	P	P	AX	P		P							Jul-21	Jun-25
Junior Hedrick	P	P	P	P		P							Jul-20	Jun-26
Sam Hunt	P	P	P	P		P							Jul-21	Jun-24
Robert Lelewski	P	P	P	P		P							Jul-21	Jun-26
Anne Williams	P	P	P	P		P							Jul-22	Jun-25

Hickory Regional Planning Commission
Wednesday, December 6, 2023, 6:00 pm

A meeting of the Hickory Regional Planning Commission (HRPC) was held on Wednesday, December 6, 2023, 6:00 pm, in Council Chambers of the Julian G. Whitener Municipal Bldg.

Members Present: Bill McBrayer, Bill Pekman, Junior Hedrick, Wallace Johnson, Philip Reed, and Steve Mull

Members Excused: Anne Williams

Members Absent: Sam Hunt

Others Present: Planning Director Brian Frazier, Planning Manager Cal Overby, 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, and Ms. Williams was excused.

Items of Correspondence: none

City Council Action: none

Approval and Signing of Minutes from the October 25, 2023 Meeting: Minutes from the previous regular meeting held in October were distributed to members in advance. No additions, deletions or corrections were stated. Philip Reed moved, seconded by Wallace Johnson to approve the October 25, 2023 minutes as presented. 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 the 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.

None of the members stated a current conflict of interest or asked to be recused.

PRESENTATIONS & PUBLIC HEARINGS

Mr. McBrayer said there was one (1) public hearing on the agenda. He explained the procedure, saying the staff report would be presented first, followed by each person who has signed up to speak for or against the petition. The proponents will have 15-minutes total to speak, followed by 15-minutes total for the opponents, and each side will then have 5-minutes to present rebuttal to the testimony. After the public hearing tonight, Commission members will vote to recommend City Council approve or deny the rezoning. And finally, City Council will hold a public hearing to consider the rezoning at their meeting on Tuesday, December 19, at 6:00 pm. He emphasized the Planning Commission would only be making a recommendation to send City Council here tonight, not making the final decision.

Mr. McBrayer opened the public hearing for Rezoning 23-07.

1. Rezoning Petition 23-07.

Request by Michael Pollard for the rezoning of 62.873 acres of property located at 2239 Robinson Road, from R-1 Residential to R-2 Residential. The properties are further identified by Parcel Identification Numbers 3711-14-34-4769, 3711-10-45-2075, 3711-14-44-2597 and 3711-14-34-8055 on the Catawba County Tax Maps.

Planning Manager **Cal Overby** presented the staff report and referred to PowerPoint slides. He reviewed **slide #2** (Rezoning Petition 23-07).

- Property Owners: Michael Edward Pollard
- Applicant: City of Hickory for Michael Edward Pollard
- Location: 2239 Robinson Road and three adjoining parcels
- Current Zoning: R-1
- Property Size: 62.873 acres
- Background: The majority of the properties are vacant and zoned R-1 Residential. The properties have recently been annexed.
- Request: Rezone the property from R-1 Residential to R-2 Residential.

He said the subject property of 62.873-acres was annexed by City Council during their meeting last night. The request is to rezone the property from R-1 Residential to R-2 Residential, and both are Hickory districts. The overall density for R-1 is a maximum of two (2) dwelling units per acre (single and 2-family), and R-2 permits a maximum of four (4) dwelling units per acre. The use differences include that R-2 is strictly single-family attached and detached homes, and R-1 includes manufactured homes, as well as single-family and duplexes. He reminded members they were only changing the zoning tonight.

Slide #3 (Map 1. Hickory by Choice 2030). Mr. Overby noted the subject property, hashed in red. He said members could see the adjacent areas of Low, Medium, and High Density Residential. Low Density Residential allows for 2 to 4 dwelling units per acre, Medium Density Residential allows for 6 to 8 units per acre, and High Density Residential allows for 10 units, or greater, in total density.

Dr. Pekman asked if the Medium Density is a Catawba County designation. Mr. Overby said no, that was the Future Land Use Map, and this represents that, if the area is to grow, these are the City's future parameters.

Slide #4 (Map 2. Current Zoning). Mr. Overby said the map represents the existing zoning of the properties. Everything shaded in a color on the map is Hickory City zoning, and the areas in white are all outside of the Hickory planning jurisdiction. All properties shaded in pale yellow are R-1 Residential and the area shaded in brown is a large Planned Development (PD) located south of Catawba Valley Blvd, which includes the Target Shopping Center complex and Carmike Movie Theater. He pointed out the R-2 Residential area shaded in yellow and C-3 Regional Commercial area shaded in red.

Mr. Overby reviewed **slide #5** (Map 3. Aerial Photography), saying the aerial photograph of the area was taken in 2022. He pointed out the Target Shopping Center and the Mosteller Estate development, where an additional phase is nearly complete, the subject property hashed in red along Robinson Road, and part of another residential development to the east, just off Short Road, which has been under construction for some time.

Slides #6 – 9 (Rezoning Petition 23-07). Mr. Overby discussed the review criteria.

- **Consistency with the Hickory by Choice 2030 Comprehensive Plan**
- The Hickory by Choice 2030 Comprehensive Plan states the following about Low Density Residential areas: "This land use category is intended to provide **an area of transition** between higher density housing in Hickory and the surrounding rural areas by offering **development at two to four units per acre.**" (HBC 2030, Pg. 25).

- The **permissible uses and density maximum** of the **R-2 Residential** district will work towards implementing the HBC 2030 Plan as was intended. The R-2 district is primarily **residential in nature** and limits development to a **maximum density of 4 dwelling units per acre**.
- **Preservation of Natural Resources and Property Values.**
 - All improvements that are to take place on the properties will be mandated to follow all **applicable development regulations**.
- **Promote wise use of public resources.**
 - The subject properties have **access to a NCDOT maintained roadway** (Robinson Road/SR 1146), as well as **access to public utilities**. The property owner will be responsible for any necessary extensions needed for services. 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**.

Mr. Overby said if the developer/owner submits plans to do construction on the property, they would need to go through a planning review, including the NCDOT, as this involves one of their roadways, versus a city roadway.

- **Regulate Development**
 - The current land use pattern of the **larger area consists largely of residential uses**. The future use of the properties is best suited to further the existing development pattern of the area. **Public resources** are in place or will be provided by the property owner/developer to service the development. These include public utilities and transportation infrastructure.
- **Ensure protection from hazardous events.**
 - 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 are properly protected as prescribed by law.
- **Suitability of permissible uses under current and proposed zoning.**
 - The current zoning and use of the larger area is **predominately residential** and agricultural. The current district permits residential as its primary use. The permissible uses within the requested district are **predominantly single-family residential**.
- **Detrimental impacts to properties in the vicinity.**
 - Given the similarity of the current and requested districts, conflicts in use types **would not be anticipated**, nor expected to cause detrimental impacts on the surrounding area.
- **Effects on public services.**
 - Public resources to provide critical public services **are in place or will be put in place** by the property owner, should construction or development occur. These include public utilities, transportation infrastructure, as well as police and fire protection.
- **Protection of public's safety, health 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**.

Mr. Overby reviewed **slide #10** (Findings & Recommendation).

- **Findings and Recommendation**

- Staff finds Rezoning Petition 23-07 to be **reasonable and consistent** with the recommendations of the Hickory by Choice 2030 Comprehensive Plan. Given these findings the following is recommended:
 - The Hickory Regional Planning Commission **affirm the petition’s consistency** with the Hickory by Choice 2030 Comprehensive Plan; and
 - Forward a **recommendation of approval** to the Hickory City Council.

He asked for questions from Commission members, and there were none.

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

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

PROPONENTS

• **Alex Bonda**, 7274 Jameson Way, Stanley NC, addressed Commission members, saying he represented the applicant, Prestige, a regional land developer local to the Charlotte area. They predominately develop residential lots and then sell them to homebuilders. Their intent for this property is to develop single-family detached lots, which they will sell to homebuilders. Mr. Bonda said he did not have a long presentation to make, and was mainly present to answer questions and hear the opinions or concerns voiced by others.

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

• **Miles Wright**, 209 1st Avenue South, Conover NC, addressed Commission members, saying he was affiliated with Wright & Associates as an engineer surveyor. They work closely with Prestige, and he was present to answer any technical questions that members might have concerning the project.

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

No additional proponents were present to speak.

OPPONENTS

• **Ed Kanupp**, 3441 Kanupp Drive, Newton NC, addressed Commission members. He said that within 1-mile of this property, there are at least 103 homes within four (4) subdivisions, with about 42 building lots left. Redwood Grove has 20 homes, the Habitat community between Blue Skies and Treadwell has approximately 40 homes, and there are about 20 homes in the neighborhood on Lakefield Drive now, with approximately 42 lots still available. There are another 31 homes nearby, plus 12 mobile home residences, and the Spring Valley Subdivision directly across from this property has 19 homes in it.

Mr. Kanupp said if everybody has two (2) vehicles now, that is potentially 206 cars going up and down the road, and that Robinson Road is a part of the Highway 321 corridor. If you develop 64-acres and put more homes per acre than there are now, then multiply that times 2-cars per residence, plus there have been no improvements made to Robinson Road, except for some re-paving every once in awhile, then, you are going to compound the traffic flow by putting that many more homes in this community. He does not see any positive effect for their community, and thank you.

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

• **Ross Penland**, 3649 Fisher Street, Newton NC, addressed Commission members, saying he lives on a property that abuts this piece of property. First, he wanted to say that he does not agree with staff saying they find the rezoning petition to be reasonable and consistent, because in the Hickory by Choice 2030 Comprehensive Plan, they had zoned it R-1. So, it needs to be zoned R-1, and the consistency would be in keeping it zoned R-1. Also, by

living so close by and knowing the lay of the land, that land would lean more toward keeping its R-1 status, as opposed to having R-2 status.

Mr. Penland said he had seen an initial site plan and would also object to the rezoning, just based on the fact that it does not leave enough buffer room for all the surrounding residences. So, his main point is, if Hickory by Choice 2030 had initially zoned it R-1, it should be consistent to stay as R-1. It should be developed as R-1, and if it is being developed as R-2, he believes the Council should ask themselves the question, is that being done for the greater Hickory community housing market, or is it being done to pad the pockets of the developer and guys who own property? He objects to the rezoning petition and would like to see it remain as R-1, and thank you.

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

- **Cindy Fulbright**, 738 Advent Church Road, Taylorsville NC, addressed Commission members. She and her family own the property that adjoins the Pollard property, and they all disagree with rezoning the property from R-1 to R-2. Some of their reasons why include the traffic issues. That road is already unbelievably busy and has numerous traffic accidents on it. With R-2, they would be putting in four (4) houses per acre, instead of their current two (2) houses per acre. She believes that four (4) houses per acre allows for 278 additional homes on that property. Also, it says that it should have all City services, such as water and sewer, and her question was, how does the property owner intend to provide sewer to that property, because at this time, it has no sewer and it has no sewer right-of-way? Thank you.

There were no questions for Ms. Fulbright, and Mr. McBrayer thanked her.

- **Gene Cline**, 2156 Robinson Road, addressed Commission members, saying they have approximately 200-plus acres of farmland. This property is directly across the road, and he operates farm equipment as wide as 15-feet on Robinson Road; he operates farm tractors almost daily on Robinson Road. He has over 100 head of beef cattle and wanted it known that animal waste has a smell; even human waste has a smell, and he has a couple miles of Hickory sewer running through his property, so he would know.

Regarding the schools, Mr. Cline asked if anyone had done a study, or had anyone talked to the school board. Do they have room for the children? If not, from the time the need is decided until a school is built, you are looking at 10-years. This needs to be addressed up front. Traffic is a problem; there are a lot of trucks and tractor-trailers running through on this road. And another thing no one had mentioned is that there are 3-4 developments, or more, within the surrounding area that consist of 300 to 400-acres. Has there been any study done concerning the wildlife? Has there been any study done concerning how to prepare for more vehicles? He had not heard anyone mention it.

Mr. Cline said first, he is 100% against this rezoning. And second, a development on Short Road was mentioned here. He has been in communication with Catawba County, including with their Soil Erosion and County Attorney. At this time, there are 15-20 acres of raw dirt that has not been seeded, and what is going to happen when it begins to rain? He has seen mud from that project; he has seen thousands of dollars of fence damage from that project; and, a couple days ago, he walked on the project and there is a manhole there, just as flat as this ground, with no lid on it, and nobody is monitoring it. What if a kid falls in it? It is a 10-foot drop to the bottom. He has been communicating with the County, and all of these projects go through the City of Hickory, too, so all of you are partly responsible for anything that happens. Again, he is 100% against this, and thank you.

There were no questions for Mr. Cline, and 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 the opponents had said.

PROPOSERS – REBUTTAL

• **Alex Bonda** said most of the comments had involved this project. As far as the Short Road project, that development company had contacted them about a year ago, requesting they (Prestige) purchase it from them. He said they (Prestige) do not operate like that, and they are concerned about the viability of their projects. They are a 335-person development company, and every project that they start, they finish. He just wanted to say that, and thank you.

Mr. McBrayer thanked him.

No other proponents came forward to speak.

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

OPPOSERS – SURREBUTTAL

None of the opponents came forward to speak.

Mr. McBrayer said he would like to address some of the questions that were asked tonight, but they were not in the Commission's purview to answer, nor do the members know the answers to them. The members are simply here to recommend that Rezoning Petition 23-07 move forward as requested, or not. And as he had stated at the beginning of the hearing, City Council will make the final decision on this rezoning; if they pass it, then another set of meetings will be held between the developer and others, and the developer must meet all required criteria and regulations.

Mr. McBrayer said he always recommends that, when a developer plans a project like this, it is a good practice to get the neighborhood involved, or whoever is allegedly being encroached upon, which gives all of them an opportunity to ask their questions at a given time. He again noted the Commission members simply do not have any answers to offer the opponents; all they have is their opinions, which are not appropriate here. He doubts City Council could answer their questions either, noting that he did not know how far along the project had progressed at this point.

Mr. McBrayer closed the public hearing. He asked for discussion or questions from members on Rezoning 23-07.

Mr. Reed said he had a question for staff. He asked if there are other R-1 tracts of land in that general area being upzoned to R-2 so they could facilitate construction of 4-units per acre, or more, in terms of the number of people that could be housed.

Mr. Overby said yes, there are a number of properties and the accurate term is "upzoning". This property is zoned R-1, and in Hickory's ETJ, yes, they have had several properties, but as far as 4-units per acre, you do not multiply the acres by four (4) for your analysis; that is simply not going to happen. He would initially take 20% off the top for roads, and take another 10-15% off the top for topography; that is just the way it works. But yes, a number of projects in the area have been rezoned to R-2 from R-1, including on Catawba Valley Blvd.

Dr. Pekman said he understood that R-2 is a more restrictive zoning than R-1, saying you could not put a mobile home on R-2, but that you could on R-1; the uses are significantly limited. Mr. Overby said correct; R-2 is more restrictive in regards to uses. The differences include, from a residential standpoint, that you cannot do duplexes, you cannot do multi-family, you cannot do manufactured housing, so that would be the difference in uses. The density and the uses are different.

Mr. McBrayer said members would need to either forward a recommendation of approval or denial to City Council. He requested a motion to approve or deny the petition.

Bill Pekman moved, seconded by Steve Mull, that the Planning Commission recommends approval of Rezoning Petition 23-07 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 unanimously.

Mr. McBrayer said the motion had passed. He reminded the residents attending this was purely a recommendation, and City Council would hold a public hearing on the matter at their meeting on December 19th. He advised the residents to come and bring even more support when then, if possible. He thanked them for attending the hearing.

Other Business: Mr. McBrayer asked if there was any additional business for members to consider. Mr. Frazier said planning staff had held numerous conversations with other developers – regional, local, and national – who are considering the Hickory market. Some might require rezoning, but he was not aware of any that are definitively scheduled to move forward in January, at least, not at this point.

Mr. McBrayer announced that Rev. Wallace Johnson would be retiring from the Commission, following the meeting tonight, and this was his final meeting before he moves to Black Mountain, NC. He thanked Rev. Johnson for his many years of service to Hickory, including as a dedicated member of the Planning Commission.

Rev. Johnson thanked his fellow members and City staff, saying he appreciated having the opportunity to participate with each of them on the Commission. He was grateful for the experience and had learned a lot over the years. He knew they would all continue doing the same great job in the future. Mr. McBrayer again thanked him for his service, saying that everyone would miss him.

Next Meeting: The next regular meeting is scheduled for Wednesday, January 24, 2024, at 6:00 pm, and members will be advised in advance.

Adjourn: There being no further business, Mr. McBrayer declared the meeting adjourned at 6:35 pm.

Bill McBrayer, Chair
Hickory Regional Planning Commission

Anne Starnes, Minutes Clerk
City of Hickory

CITY OF HICKORY
APPLICATION FOR REZONING (NON PD OR CZ)

DATE SUBMITTED: Dec. 14, 2023

TO THE PLANNING COMMISSION AND THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I (We), the undersigned, do hereby respectfully make application and petition to amend the Zoning Map of the City of Hickory, as hereinafter requested, and in support of this application, the following facts are shown of the application and all required materials):

1. The property proposed to be rezoned is located on 2010 Startown Rd. Newton between Hwy 70 and Robinwood Road.

PIN NO. (S): 372109054815

Physical (Street) Address: 2010 Startown Rd. Newton

2. The property is owned by: (please print) Donald C. Scrance

(Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)

Owner Information:

Name: Donald & Carolyn Scrance

Address: _____

Phone Number: 828-446-8712

Email Address: Carol Scrance 1850@gmail.com

3. The petition is submitted by: DUSTIN DAVIS

(If the Petition is submitted by someone other than the owner, a letter from the owner(s) authorizing the agent to act on his or her behalf must be submitted with the application. This authorization must be signed and notarized by all owners having an interest in the subject property.)

Agent Information:

Name: DUSTIN DAVIS

Address: PO Box 2544 Hickory NC 28603

Phone Number: 828-302-0659

City of Hickory Rezoning Application (Non-PD or CZ)

4. It is desired and requested that the foregoing property be REZONED: Regional Commercial
 FROM: Residential TO: ~~Office~~ Institutional (MK)

5. Please list the current use(s) of the property: VACANT

5. OWNER'S AFFIDAVIT

We, the undersigned owner(s), hereby certify that the information contained herein and submitted in support of this application is true and correct.

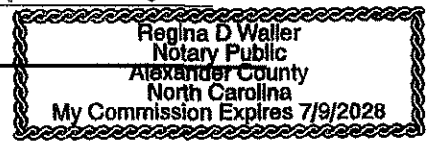
Dustin Davis Printed Name of Owner [Signature] Signature of Owner

(Please choose the appropriate notary block)
 State of North Carolina – County of Alexander

I, the undersigned Notary Public of the County and State aforesaid, certify that Dustin Davis personally appeared before me this day and acknowledged the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this 19th day of December, 2023.

My Commission Expires: 07/09/2028

Regina D. Waller
 Notary Public



State of North Carolina – County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged the he / she is the _____ of _____ corporation / limited liability corporation / general partnership / limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity he /she signed the foregoing instrument in its mane on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20_____.

My Commission Expires: _____

Notary Public

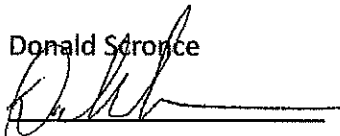
This Application must be submitted to the Planning Department by 5:00 p.m. on the last regular working day of the month preceding the meeting at which it is to be considered by the Planning Commission. Only complete applications will be accepted.

12/16/2023

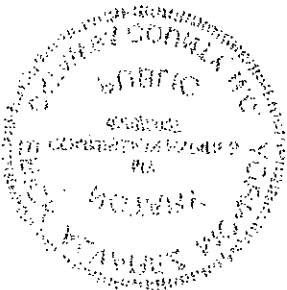
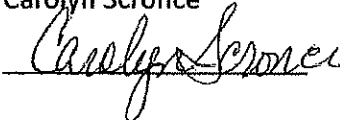
To whom it may concern,

Dustin Davis has our permission to apply for re-zoning for the property at 2010 Startown Rd. Hickory, NC. He will be responsible for all costs associated with the re-zoning.

Donald Scronce



Carolyn Scronce



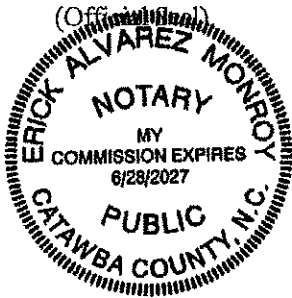
G.S. § 10B-41 NOTARIAL CERTIFICATE FOR
ACKNOWLEDGMENT

Catawba County, North Carolina

I certify that the following person(s) personally appeared before me this day, each
acknowledging to me that he or she signed the foregoing document:

Carolyn Davis Scronce, Donald Chipman Scronce.
Name(s) of principal(s)

Date: 12/15/23



A handwritten signature in black ink, appearing to read "Erick Alvarez Monroy".

Official Signature of Notary

Erick Alvarez Monroy, Notary Public
Notary's printed or typed name

My commission expires: 6/28/2027

OPTIONAL

This certificate is attached to a _____ signed by _____
Title/Type of Document Name of Principal Signer(s)

on _____ and includes _____ pages
Date # of pages

REZONING ANALYSIS

PETITION: 24-01

APPLICANT: Dustin Davis

OWNERS: Donald C Scronce

PROPERTY LOCATION: 2010 Startown Road Newton, NC 28602

PIN: 3721-09-05-4815

WARD: This property is located in Ward 3 (Councilman Seaver).

ACREAGE: +/- .54 acres

REQUESTED ACTION: Rezone the property from Low Density Residential (R-1) to Regional Commercial (C-3).

BACKGROUND: The property is currently zoned R-1. The rezoning request is an indication that the owner desires to use the property for an office use.

DEVELOPMENT POTENTIAL: The subject property is currently zoned R-1 Residential and totals +/- .54 acres in total size. The current R-1 zoning district is primarily residential and permits one and two-family residential uses at a density of two (2) dwelling units per acre.

The subject property is currently occupied by a commercial building. The owners' intention is to continue utilizing the property as a contractor's office.

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 converges at three future land use categories listed in the Hickory by Choice 2030 Comprehensive Plan. These uses are Public/Institutional, Neighborhood Mixed Use, and Regional Commercial. (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 C-3 zoning district implements the "Regional Commercial" policies of the Hickory by Choice 2030 Comprehensive Plan. The C-3 district is intended to provide a full range of retail and service business that serves both local and regional markets. The C-3 district permits a wide variety of uses including professional offices and personal services, retail sales and service, amusement and institutional facilities.

Given these factors, the rezoning of the property to Regional Commercial (C-3) 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 area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as being a future commercial and institutional area with residential densities at thirty (30) units per acre.

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

All improvements that are to take place on the property will be required to follow all applicable development regulations.

- 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 state-maintained roadway (Startown Road / SR 1005), as well as water infrastructure. The property does not have access to city sewer infrastructure. 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 consists largely of commercial and institutional uses. This development pattern will continue under Regional Commercial (C-3) as offices are permitted under this zoning classification. The future 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 to service the area. These include public water 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 properties are zoned Office and Institutional (OI) and are occupied by Catawba Valley Community College.
- **South:** The properties are zoned Planned Development and are occupied by Preston Ridge Apartments.

- **East:** The properties are zoned Office and Institutional (OI). These properties are occupied by Catawba Valley Community College.
 - **West:** The properties are zoned Regional Commercial (C-3) and are vacant.
3. The suitability of the subject properties for the uses permitted under the existing and proposed zoning classification:

The current land use pattern of the larger area consists of commercial, institutional, and multi-family residential. uses along Startown Road. The rezoning of the property to OI would continue this development pattern and will be similar to existing City zoning already in place, within the larger area.

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

The requested Regional Commercial (C-3) zoning is similar to the existing zoning. The permissible uses of C-3 zoning will aid in enhancing the existing uses of the neighborhood.

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 to service the area. These include public water utilities and transportation infrastructure, as well as police and fire protection. Septic is currently located on the property and will need to be approved by Catawba County Environmental Health for the use.

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

The subject property is located within an area where the Hickory by Choice 2030 Comprehensive Plan anticipated continued nonresidential development. The use of the property is an office, which are usually located within or near nonresidential areas.

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.

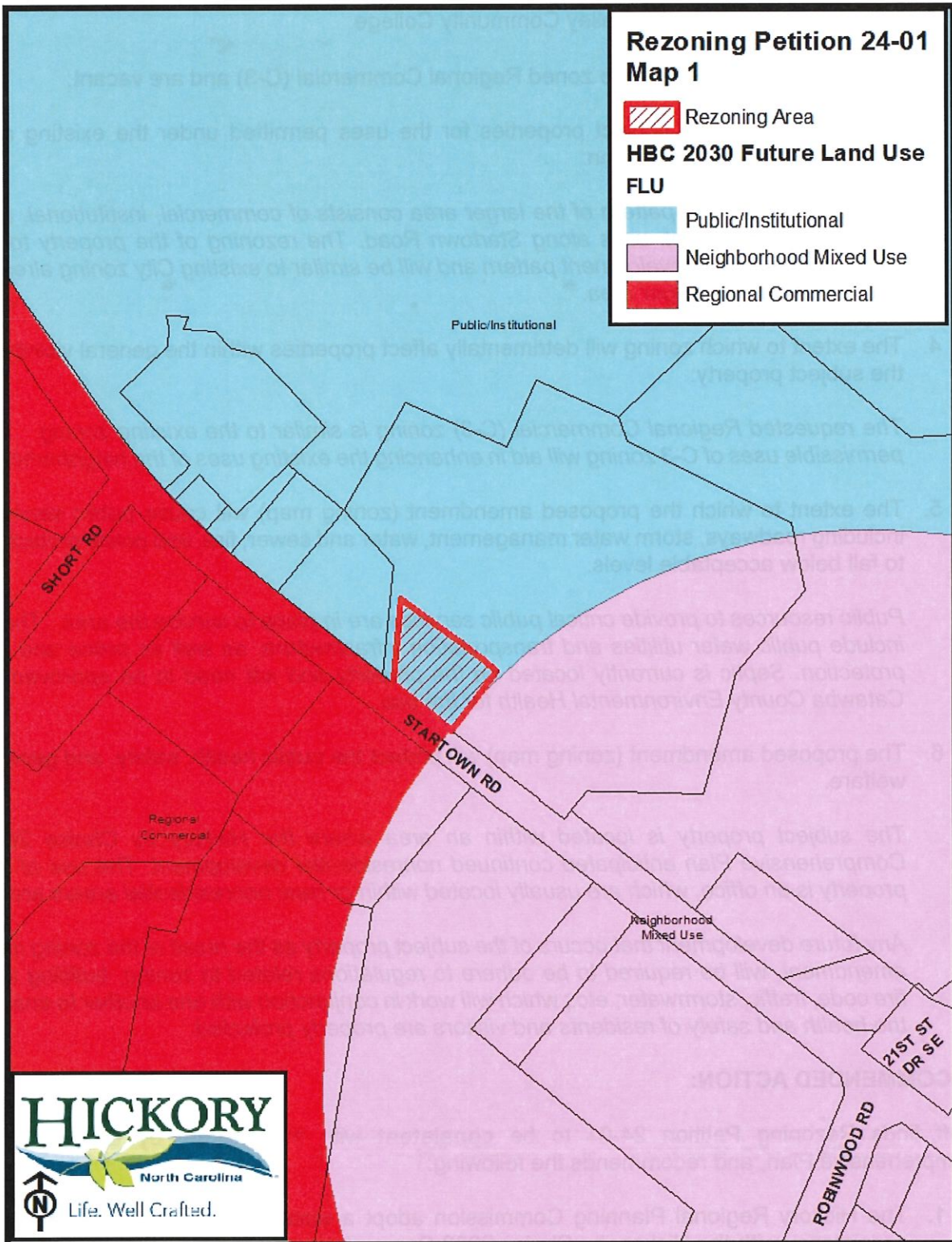
RECOMMENDED ACTION:

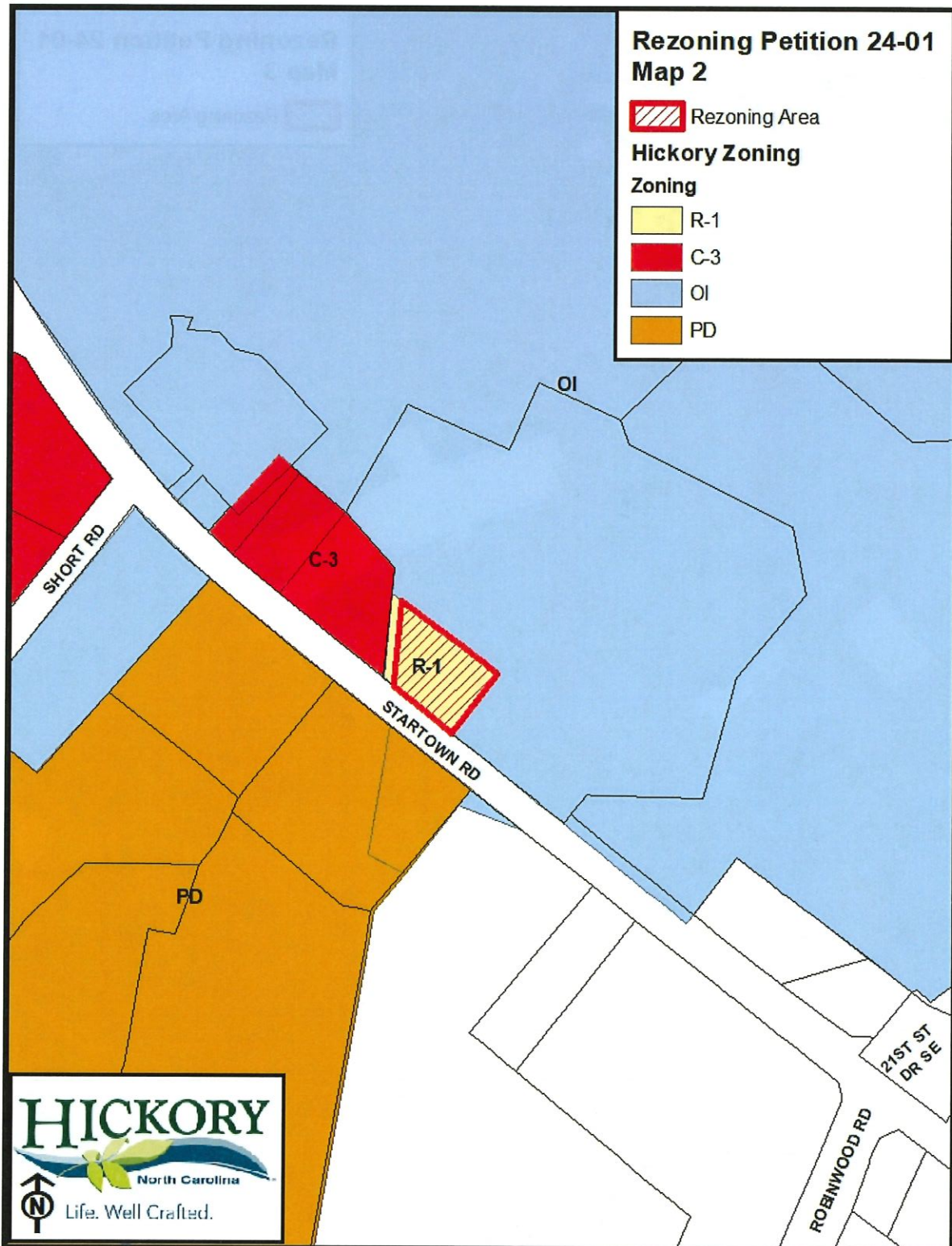
Staff finds Rezoning Petition 24-01 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:

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 January 17 2024, staff has received one (1) inquiries regarding this petition.







**CITY OF HICKORY
APPLICATION FOR REZONING
(PLANNED DEVELOPMENT OR CONDITIONAL ZONING DISTRICT)**

DATE SUBMITTED: 12-29-23

**TO THE PLANNING COMMISSION AND THE CITY COUNCIL OF THE CITY OF
HICKORY, NORTH CAROLINA:**

I (We), the undersigned, do hereby respectfully make application and petition to amend the Land Development Code and / or change the Zoning Map of the City of Hickory, as hereinafter requested, and in support of this application, the following facts are shown of the application and all required materials):

1. The property proposed to be rezoned is located on NC Hwy 127 Hickory NC
between Moss Farm Road and Bethel Church Rd (SR# 1176).

PIN NO. (S): 4 Parcels - 279118423423, 279114420860, 279114429844, 279114429883

Physical (Street) Address: S. NC Hwy 127 Hickory NC

2. The property is owned by: (please print) GTC Investments Properties, LLC

(Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)

Owner Information:

Name: GTC Investments Properties, LLC

Address: 1630 Via Bianca, Punta Gorda, Florida 33950

Phone Number: 704-363-9760

Email Address: gwilliams@ccwdevelopment.com

3. The petition is submitted by: Gregory Williams

(If the Petition is submitted by someone other than the owner, a letter from the owner(s) authorizing the agent to act on his or her behalf must be submitted with the application. This authorization must be signed and notarized by all owners having an interest in the subject property.)

*Agent Information:

Name: Gregory Williams

Address: 2805 Walking Ave. Monroe NC 28110

Phone Number: 704-363-9760

4. It is desired and requested that the foregoing property be REZONED:
 FROM: CC-2 & R-1 TO: PP (Planned Development)
5. Please list any overlay districts that apply to the subject property: N/A
6. Please list the current use(s) of the property: Vacant
7. Specify the acreage of the proposed development: 29.59
8. Specify the intensity (gross square footage) and/or density (size and number of dwelling units) of the proposed development: 198 dwelling units Total (118 Single Family & 80 Townhomes)

Additional Required information

Planned Development Districts

A Planned Development Master Land Use Plan must be submitted as part of all petitions to rezone to a Planned Development district. Such plan shall include maps and plans for the subject property that depicts the following items if relevant:

1. The name of the proposed Planned Development and the names of the developer and design professionals;
2. Scale, dimensions, date, north arrow;
3. Conceptual grading, site preparation and stormwater management;
4. General location, height, number of stories, floor area, orientation, setbacks and proposed land-uses of all structures;
5. Building elevations of all proposed buildings;
6. Open space (designate public or private), floor area, recreation space and impervious surface area necessary to demonstrate conformance with applicable requirements;
7. Landscaping and buffering;
8. Any proposed property subdivision, including proposed future property lines;
9. 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;
10. Proposed street layout (both public or private);
11. Location of all parking, loading, sanitation and recycling facilities; area and number of parking spaces in parking lots;
12. Location, character and intensity of all proposed outdoor lighting fixtures;
13. Location of all utility systems;

- 14. Location, height, dimensions and type of all signs; and
- 15. Locally or nationally recognized historic structures.

Conditional Zoning Districts

Conditional Zoning can be applied in conjunction with any base zoning district. Applicants petitioning to rezone to a conditional zoning district must meet all the requirements of the underlying zoning district. All applicants must include a list of additional conditions to be placed upon the subject property with their application. Depending on the complexity of the conditions proposed, a site plan similar to the Master Land Use Plan described above may be required.

9. ✱ **OWNER'S AFFIDAVIT**

We, the undersigned owner(s), hereby certify that the information contained herein and submitted in support of this application is true and correct.

Gregory Williams
Printed Name of Owner or Agent

Gregory Williams
Signature of Owner or Agent

(Please choose the appropriate notary block)

State of North Carolina – County of Union

✱ I, the undersigned Notary Public of the County and State aforesaid, certify that Gregory Williams personally appeared before me this day and acknowledged the due execution of this foregoing instrument for the purposes expressed herein. Witness my hand and Notarial stamp or seal, this 3 day of January, 2024.

My Commission Expires: 3-29-2025
Daphne Purnell
Notary Public

✱ State of North Carolina – County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged the he / she is the _____ of _____ corporation / limited liability corporation / general partnership / limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity he /she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____
Notary Public

This Application must be submitted to the Planning Department by 5:00 p.m. on the last regular working day of the month preceding the meeting at which it is to be considered by the Planning Commission. Only complete applications will be accepted.

Owner's Affidavit

To whom it may concern, I authorize Gregory Williams with CC&W Development Group, LLC to serve as my agent for the rezone of the property I own, Tax Parcel's numbers: 279118423423; 279114420860; 279114429844 & 279114429833 from its current designation of R-1 and CC-2 to Planned Development, (PD), per the Hickory, NC zoning ordinance.

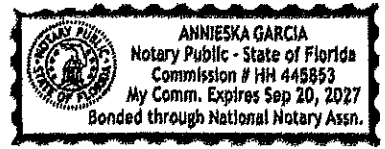
By: [Signature] Managing member
GTC Investment Properties, LLC.
1630 Via Bianca
Punta Gorda, FL 33950-5213
Date: 1-3-2024

State of Florida - County of Charlotte

I, the undersigned Notary Public of the County and State aforesaid, certify that Spanno E. Davenport personally came before me this day and acknowledged that he/she is the Managing Member of GTC Investment Properties LLC limited liability corporation and that by authority duly given and as the act of such entity he/she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 3rd day of January, 2024.

My Commission Expires: Sep 20, 2027 [Signature]

Notary Public



REZONING ANALYSIS

PETITION: Rezoning 24-02

APPLICANT: Gregory Williams

OWNER: GTC Investment Properties, LLC

PROPERTY LOCATION: Hwy 127 South, between Moss Farm Road and Nello Drive.

PINs: 2791-18-42-3423, 2791-14-20-0860, 2791-14-42-9844, 2791-14-42-9883

WARD: The subject properties would be located in Ward 4 (Councilman Freeman).

ACREAGE: Approximately 29.59 acres

REQUESTED ACTION: 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).

The requested Planned Development is proposed to be residential in nature. The development on the newly acquired parcels would consist of 198 single-family residential units. The development will include 2 outparcels for future non-residential development.

DEVELOPMENT POTENTIAL: The current residential (R-1) zoning assigned to the property allows for primarily residential uses. As currently zoned, the subject properties could theoretically yield up to 59 dwelling units. It should be understood these numbers are a theoretical maximum, and other regulatory requirements for building setbacks, parking, buffering, natural features, and similar items could substantially decrease this maximum intensity. It should also be noted that the R-1 zoning district has a maximum height limitation of 35 feet, therefore any new structures could not exceed three (3) stories.

BACKGROUND: The applicant has submitted a petition requesting the properties be rezoned to Planned Development (PD). The master plans, and supplemental documentation, provided as part of the petition depicts the development as being single-family in nature.

The plans depict the properties as consisting 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 when considered with the entire project density. Hickory's Land Development Code (Section 5.1) permits single-family planned developments at a maximum density of 20 units per acre. The development is proposed to be approximately a third of what would normally be permissible. There are two proposed outparcels for future non-residential development that total approx. 1.57 acres. The development will include an amenity area with open space, dog park, and mailbox cluster area. (**See Example 1**)

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* and the stated Purpose and Intent of this Land Development Code **(Please refer to Map 1 for more detail)**;

The vicinity in which the subject properties are located is classified as low density residential and commercial corridor by the Hickory by Choice 2030 Comprehensive Plan. The low residential and commercial corridor future land use classifications are discussed on pages 25 and 26 of the comprehensive plan. In summary, these classifications consist of areas found to be suitable for varied levels of residential development.

Within the Goals and Policies section of Chapter 3 of the comprehensive plan a number of goals and policies are provided that address development. A brief explanation of the goals, and how the development proposal fits in with the goals is provided below.

- *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. Much of this open space is located in the center of the project site, and could be utilized by residents as areas for passive recreation, as well as a dog park.*
- *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 provide access to 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 hearing; the public will be afforded the opportunity to provide input regarding the proposal.*

In evaluating the development proposal with the goals outlined within the Hickory by Choice 2030 Plan staff feels the request is consistent with the 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 applicant has provided a planned development master plan for the subject properties. The plan and its consistency with the comprehensive plan were discussed on this report's prior pages, and was found to be consistent with the comprehensive plan.

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

Any and all improvements that are to take place on the properties will be required to follow all applicable development regulations.

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

The subject properties are located directly off Hwy 127, which is a major thoroughfare is the southern part of Hickory. The portion of the corridor that lies within Hickory is largely urbanized and residential in nature. Public utilities (water and sewer) are also located long Hwy 12. Any future development that occurs on the properties will be evaluated as to what impacts, if any, will be placed upon nearby public infrastructure. The owner and/or developer of the properties will be required to cover any financial costs needed for any required infrastructure improvements identified through the evaluation process.

- Regulate the type and intensity of development; and

This Hickory Land Development Code regulates the type and intensity of development that is located on the subject properties. If the request is approved, the planned development master plan submitted as part of the petition will serve as the document that guides development on the properties. Additionally, construction plans for the properties, once received, will be reviewed in light of the regulations contained within the Hickory Land Development Code.

- Ensure protection from fire, flood and other dangers.

Any future development occurring on 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 for the patrons of the subject properties, as well as the residents of the surrounding area.

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

North: *The properties to the north are occupied by single family residential;*

South: *The properties to the south are retail businesses;*

East: *The properties to the east are occupied by retail businesses; and*

West: *The properties to the west are occupied by vacant land.*

3. The zoning classification of property within the general vicinity of the subject properties **(Please refer to Map 3 for more detail):**

North: *The properties to the north are zoned (R-20) Residential by Catawba County;*

South: *The properties to the south are zoned Highway Commercial (HC) by Catawba County.*

East: *The properties to the east are zoned (R-20) Residential and Highway Commercial (HC) by Catawba County; and*

West: *The properties to the west are (R-20) Residential by Catawba County.*

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

The current residential (R-1) zoning assigned to the property allow for primarily residential uses.

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

Any rezoning has the potential to detrimentally impact properties in the general vicinity. Through proper site planning, buffering, and screening, as required by the City's Land Development Code, any real or perceived detrimental impacts could be mitigated to maximum extent practical.

6. 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 or will be in place to service the properties. These include public utilities, transportation infrastructure, as well as police and fire protection.

Hwy 127 is operated and maintained by the NCDOT. Any improvements required by NCDOT will be required to be put in place during the construction, or its phases(s).

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

The properties in question are located within an area where the City's comprehensive plan anticipates as being more urbanized and mixed use in nature. Any future development that occurs of the subject properties will be guided by the planned development master plan. Additionally all development activities on the subject properties will 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.

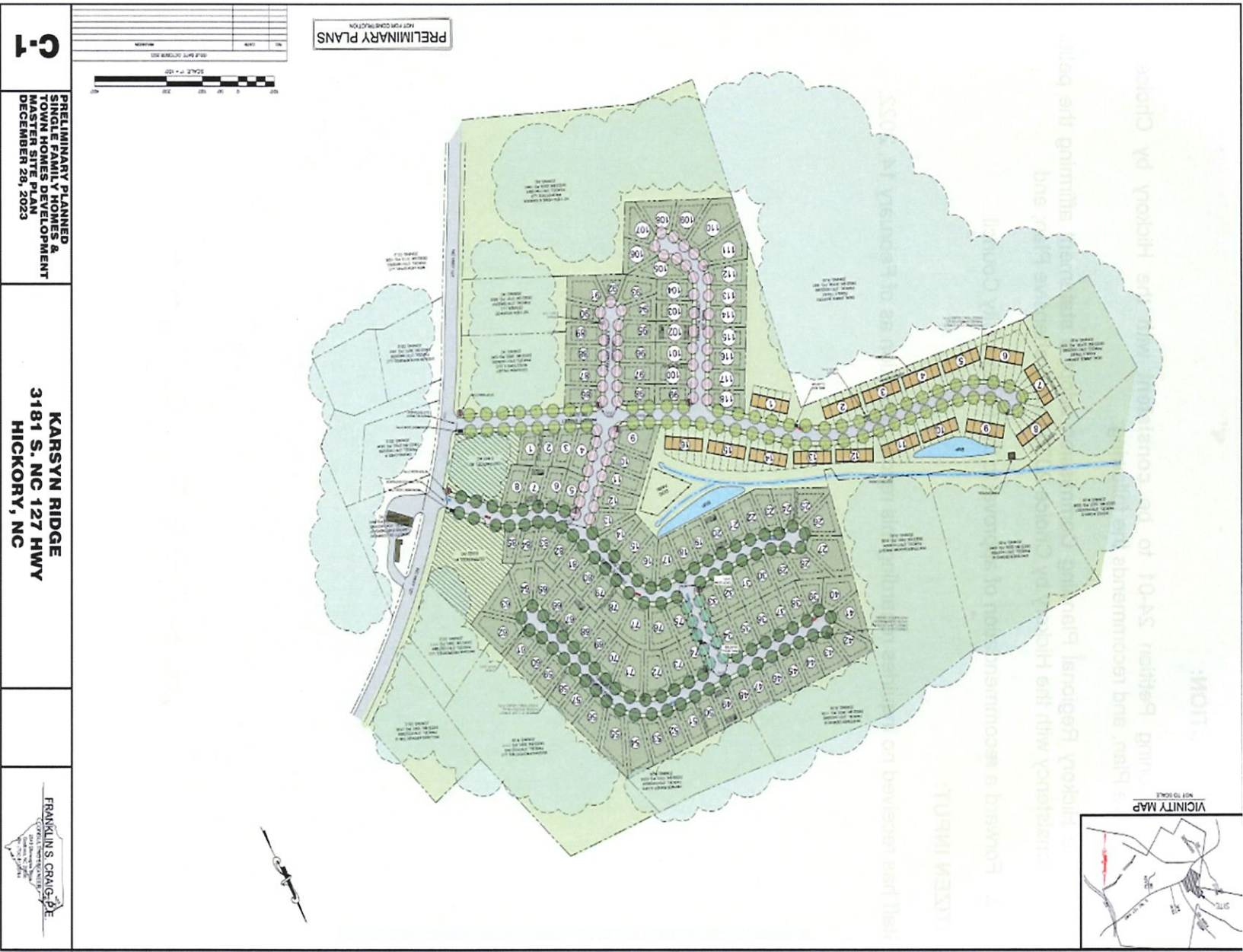
RECOMMENDED ACTION:

Staff finds Rezoning Petition 24-01 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:

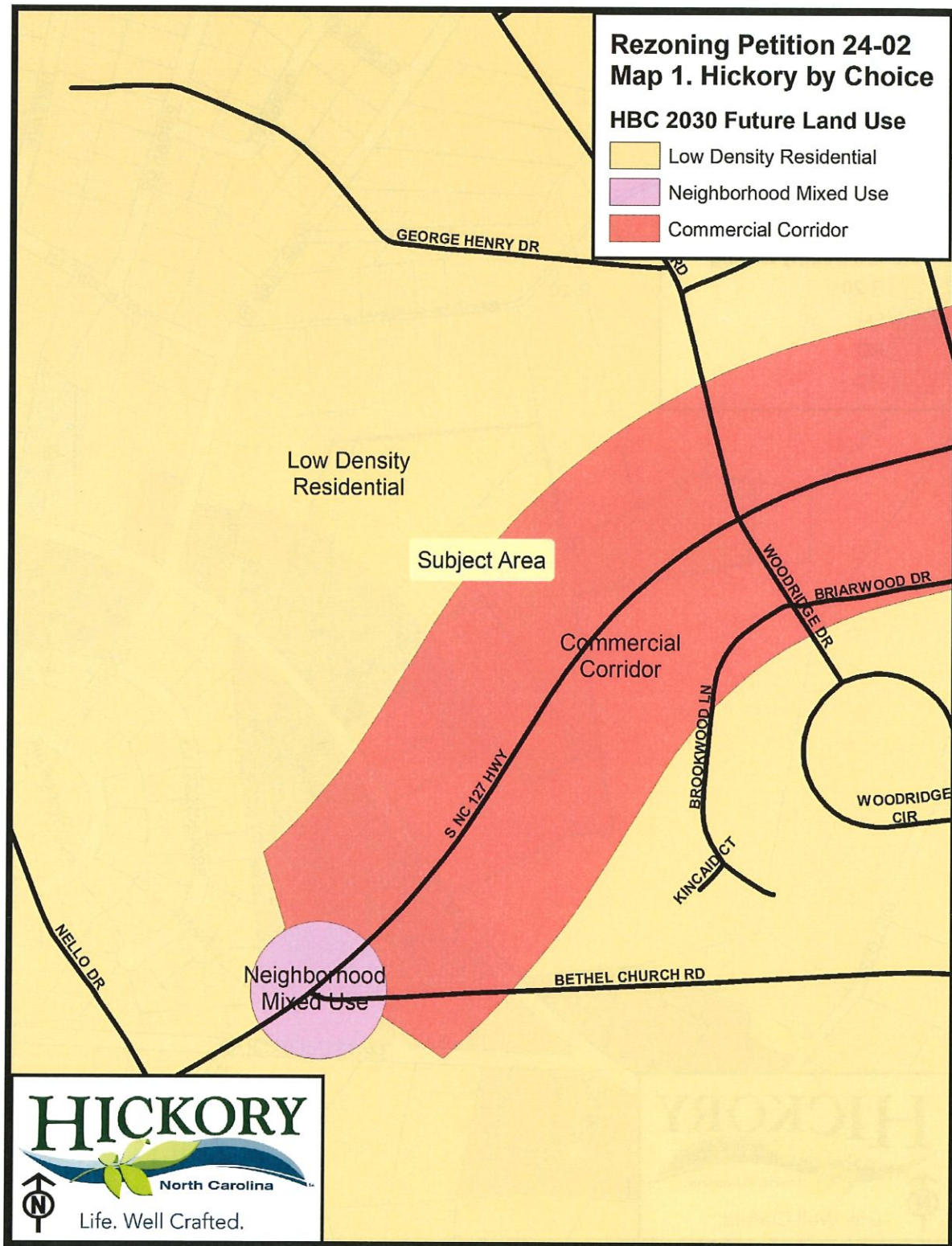
1. The Hickory Regional Planning Commission adopt a statement affirming the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan; and
2. Forward a recommendation of approval to the Hickory City Council.

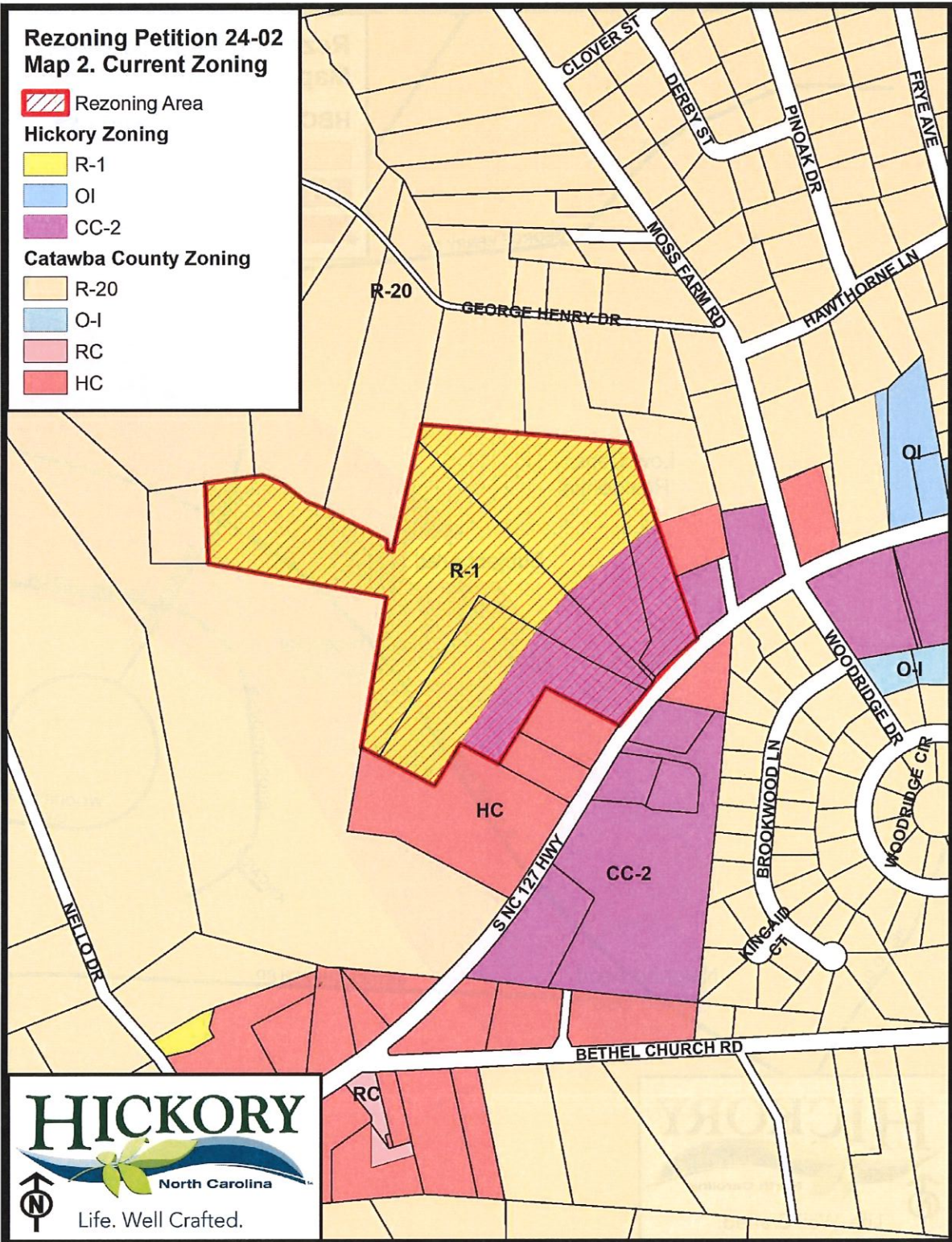
CITIZEN INPUT:

Staff has received no inquiries regarding this rezoning petition as of February 14, 2022.



Example 1





Rezoning Petition 24-02
Map 3. Aerial Photography

 Rezoning Area



Mtn. View Hardware

Food Lion

