



The Hickory Regional Planning Commission will hold its regular meeting on **Wednesday, March 23, 2016 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
- Items of Correspondence
- City Council Action
- Approval and Signing of Minutes from the February 24, 2016 Meeting

PRESENTATIONS AND PUBLIC HEARINGS

1. **Special Use Permit (SUP) 16-01.** Request by Christopher Bryan Powe, agent for Lake Hickory Marina II LLC, for the consideration of approval to open and operate a drinking establishment in the General Business (C-2) district. The subject property is located at 6706 Limbaugh Lane and identified as Caldwell County NCPIN 2793497844.

OTHER BUSINESS

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.

Hickory Regional Planning Commission
Wednesday, February 24, 2016, 6:00 pm

A regular meeting of the Hickory Regional Planning Commission (HRPC) was held on Wednesday, February 24, 2016, 6:00 pm, in Council Chambers of the Julian G. Whitener Municipal Bldg., Hickory NC.

Members Present: Randall Mays, Jim Noggle, Bill McBrayer, Jeff Kerley, Barbara Clemons, Junior Hedrick and Sam Hunt

Members Excused: John Eldridge, Shauna O'Brien and Wallace Johnson

Members Absent: none

Others Present: Director of Planning and Development Services Brian Frazier, Principal Planner Cal Overby, Planner Ross Zelenske, Deputy City Attorney Arnita Dula and Minutes Clerk Anne Starnes

Parliamentary Call to Order & Welcome: Randall Mays, Chairman, called the meeting to order at 6:00 pm and welcomed everyone attending.

Roll Call: Director of Planning and Development Services Brian Frazier stated a quorum was present. He said John Eldridge, Shauna O'Brien and Wallace Johnson were excused.

Items of Correspondence: none

City Council Action: Mr. Frazier said that since the previous meeting in December, City Council had considered the Commission's recommendation to rezone property on Short Road for the proposed 80-unit apartment complex, and it was approved. Mr. Hunt asked if many people had attended the public hearing at the Council meeting. Mr. Frazier said he believed there was only one person, not nearly as many as had appeared to speak during the HRPC public hearing.

Approval and Signing of Minutes from the December 2, 2015 Meeting: Minutes of the previous meeting were distributed to members in advance. No changes, additions or deletions to the minutes were stated. Barbara Clemons moved, seconded by Sam Hunt, to approve the December 2, 2015 meeting minutes as written. The motion carried unanimously.

Mr. Mays said there were two rezoning petitions for public hearings tonight. He reminded members the Ethics Awareness and Conflict of Interest Clause, in accordance with the State Government Ethics Act, states that any member having a conflict of interest regarding any matter here tonight should identify it as such at this time, and refrain from participation in that particular agenda item. None of the Commission members stated a known conflict of interest.

PRESENTATIONS AND PUBLIC HEARINGS

1. Rezoning Petition 16-01. Request by Kenneth Brent Faires and Dorus Edgar Faires for the consideration of rezoning property located at 225 South NC Hwy. 127 from High Density Residential (R-4) to Office and Institutional (OI). The property is shown in more detail as PIN 3702-07-78-4384 on the Catawba County G.I.S. maps.

Ross Zelenske presented the Staff Report and referred to PowerPoint slides during his presentation. Referring to slide #2, Mr. Zelenske said the request is being made by Dr. Grace Auten, to rezone property of .48 acres located at 225 NC Highway 127 South, from High Density Residential (R-4) to Office & Institutional (OI). He said the property is currently a vacant lot, and planned use is as future expansion purposes of a neighboring medical office, north of the parcel, but he asked members to keep an open mind on potential uses for the property.

Referring to slide #3, (Map 2, Aerial Photo - 2014) Mr. Zelenske noted the property outlined in red represents the area being discussed for rezoning. He said to the north is the medical office, Rudisill Family Practice; to the immediate west is a small apartment complex, the 11-unit Franciscan Apartments; to the south and west are single-family residences and duplexes; and to the east, is Christ Lutheran Church.

Referring to slide #4, Mr. Zelenske said HBC 2030 identifies the area as High Density Residential, which translates to R-4 zoning, as well as OI zoning in some cases. He said High Density Residential is characterized by small build lots, shorter building setbacks, and pedestrian friendly roads near mixed use and commercial areas. He said HBC 2030 indicates that the office uses are appropriate along thoroughfares, as well as transitional areas going from residential to commercial. He said OI districts permit, by right, offices, clinics, and personal service businesses, such as barbershops, florists, laundries, and so forth, as well as public institutions, such as schools. The OI district also permits for a variety of residential uses, including single-family residential housing up to four (4) units per acre, and multi-family residential housing up to thirty (30) units per acres.

Referring to slide #5, (Map 1, Hickory by Choice 2030) Mr. Zelenske said this is the Future Land Use Map, outlined in the Hickory by Choice Plan, with the rezoning area located in High Density Residential. Just to the northwest, he noted the Central Business District, and the revitalization area is directly to the north, adjacent to Sally Fox Park.

Referring to slide #6, (Map 3, Current Zoning) Mr. Zelenske said the current zoning map shows that the parcel is zoned R-4, with Office and Institutional (OI) adjacent to the north. He said if rezoned, this parcel would go from R-4 to OI.

Referring to slide #7, (Map 4, Neighborhood Preservation Overlay) Mr. Zelenske noted that this property is an overlay district, the Neighborhood Preservation Overlay for the Kenworth Neighborhood. He said the purpose of the overlay is to make sure that any infill future development in this neighborhood is compatible with uses; certain regulations are added to potential development, such as sidewalks, setbacks, etc. He said that would remain with this property and there was no request in the proposal for this to be changed.

Referring to slide #8, Mr. Zelenske said staff finds that Rezoning Petition 16-01 is consistent with the Hickory by Choice 2030 Comprehensive Plan, and recommends the Hickory Regional Planning Commission adopt a statement affirming the petition's consistency with the HBC 2030 Plan, and that they forward a recommendation of approval to the Hickory City Council.

Mr. Zelenske asked for questions from members.

Sam Hunt asked if the only entrance to the property is directly off Highway 127, and Mr. Zelenske said yes. Mr. Mays said he believes there is a driveway entrance on the property, where there was formerly a home. Mr. Zelenske said there is a curb cut off Hwy. 127; also, the property slopes off and future grading there will likely be needed.

Mr. Mays asked if the intention was to join the two properties. Mr. Zelenske said it would be a separate property for the time being, but with the potential to combine it as one lot in the future.

Jeff Kerley asked if staff had received any opposition inquiries. Mr. Zelenske said he received one phone call, which was an inquiry into the situation and no opposition was stated.

There were no additional questions for Mr. Zelenske.

Chairman Mays opened the Public Hearing. He said the persons who wish to speak in favor of the petition would be asked to speak first, then the persons opposed, followed by rebuttal time.

PROPONENTS

Grace Auten addressed Commission members, and said she has helped to manage the property the Rudisill Family Practice is in; she explained the lower level is a tax preparation office, and said it is very busy location. She said they have considered the lot adjacent to them for quite some time. Dr. Auten noted there was once a home on the property. The home was unoccupied for a number of years, and was finally removed several years ago. She said this lot, along with the lot below it, had been empty for several years. She said several large trees remain on the property, and it would look much better with new landscaping. She said the vacant property could be a potential growth area for the office in the future.

Dr. Auten said she has made an offer to purchase the lot. She clarified that she is not an owner of the building that Rudisill Family Practice operates in, but said it could possibly be joined. She said her goal is to make the property more in tune as an entrance to Hickory and that now the property is being used for parking on the grass, with cars entering through the former driveway. She said the property has been zoned Residential for all of this time, and that in order to acquire this property and be able to use it for business purposes, she hopes it can be rezoned.

Dr. Auten said that when driving south on Hwy. 127 through that area, there are very few homes, and there is a large area there that looks like a storm water drainage area. She feels like the property would be conducive to landscaping beautification, including some younger trees that would not be a danger to the cars parked underneath them.

Dr. Auten asked if there were any questions from members, and there were none.

OPPONENTS

None

The Public Hearing was closed.

There was no discussion on the rezoning petition.

Bill McBrayer moved, seconded by Sam Hunt, to recommend that City Council approve Rezoning Petition 16-01. The motion carried unanimously.

Mr. Mays stated the petition was approved by the Planning Commission, and would be forwarded to City Council for final approval.

2. Rezoning Petition 16-02. Request by John Precup, Mee Thao, Ker Thao, and US Conec Ltd. for consideration of rezoning properties located at 826 21st Street Drive SE, 828 21st Street Drive SE, 857 23rd Street Court SE, 863 23rd Street Court SE, 903 23rd Street Court SE, and a portion of 830 21st Street Drive SE, from High Density Residential (R-4) to Industrial (IND). The properties are shown in more detail as PINs 3722-13-04-3590, 3722-13-04-4475, 3722-13-04-3327, 3722-13-04-2269, 3722-13-04-1168, and a portion of 3722-13-04-6230 on the Catawba County G.I.S. maps.

Cal Overby presented the Staff Report and referred to PowerPoint slides during his presentation. Referring to slide #10, Mr. Overby said the applicant is Russ Granger, VP of Operations for US Connect. The request is to rezone several properties, one portion of which is owned by US Conec, plus three other property owners; the six properties are located on 21st Street Drive SE and 23rd Street Court SE. He said 21st Street Drive is commonly known as Sweetwater Road. He said the request is to rezone 2.44 acres of property from High Density Residential – 4 (R-4) to Industrial (IND).

Referring to slide #11 (Map 1, Hickory by Choice 2030) Mr. Overby said the map shows the generalities of land use, and pointed out the area being proposed for rezoning. He noted the areas in purple are areas of future industrial development.

Referring to slide #12, Mr. Overby said that, specifically, the Hickory by Choice Plan outlines Industrial as areas for manufacturing, processing, warehousing, and other types of land uses associated with those types of operations. He said it goes on to indicate that the Industrial zoning district is the district that implements these policies, meaning that rezoning to Industrial would be consistent with the City's Future Land Use Plan.

Referring to slide #13, (Map 2, Aerial Photo - 2014) Mr. Overby said the 2014 photo shows the various parcels included, two of which front Sweetwater Road. He noted the building location where US Conec would begin their manufacturing operations.

Referring to slide #14, (Map 3, Current Zoning) Mr. Overby said the current zoning map basically shows a residual legacy neighborhood that has existed there for years, and slowly, over time, the industrial development has encroached all around it. He said there are some existing, older residences on the northeast side of Sweetwater Road, basically, now surrounded by industrial and non-residential land-uses.

Referring again to slide #10, Mr. Overby said the applicant is seeking to purchase these properties and have them rezoned to Industrial, for the reason of providing for a future expansion of the current US Conec manufacturing facility. He described the US Connect manufacturing process as being very precise, and said vibrations and disturbances could disrupt their process. He said, initially, they plan to grade the property, because the grading equipment would create a lot of vibration that could affect the manufacturing process if it were already underway. They will then begin operations at the facility, and at some point in the future, they will construct the facility expansion.

Referring to slide #15, Mr. Overby said staff finds Rezoning Petition 16-02 to be consistent with the Hickory by Choice 2030 Comprehensive Plan, and they recommend the Hickory Regional Planning Commission adopt a statement affirming the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and forward a recommendation of approval to the Hickory City Council.

Mr. Overby asked for questions from members.

Mr. Mays referred to Map 3, the current zoning map, and asked for clarification on the one lot, where a portion would be rezoned. Mr. Overby noted the shape of the lot, and said when the zoning lines were

drawn, they were drawn down to that point of the property. Mr. McBrayer said it would leave two houses by themselves on the backside of the remaining property, and Mr. Overby said yes.

Mr. McBrayer said mention was made that vibrations could adversely affect the manufacturing process, and asked for clarification. Mr. Overby said the manufacturing process that US Conec uses is very precise, and they cannot have vibrations or movements, because that would disrupt their manufacturing processes. He said that, at the outset, US Conec would grade the property and create a pad for their future building expansion. Mr. McBrayer asked about the nearby quarry, which could rattle the windows of the building where he used to work in the same area. Mr. Overby said he assumes US Conec is aware of when the quarry blasting takes place and can avoid those times, or else it is not significant enough to impact their process.

There were no additional questions for Mr. Overby.

Chairman Mays opened the Public Hearing. He said the proponents would speak first, followed by persons opposed.

PROPONENTS

Russell Granger addressed Commission members. He thanked members for hearing his request, and said he is the Vice-President of Operations for US Conec. He said they have a lot of work ahead of them to up-fit the building, and be up and fully operating by the end of 2016.

Mr. Granger described the vibration effect on their process in detail, and said that when the quarry conducts their blasts, they stop their manufacturing work; they are given notification by the quarry in advance, so they stop working and it does not affect them.

Mr. Granger said the reason for the rezoning is that they need a place to grow; five years ago, they bought a 40,000 sq. ft. building just down the road, and after five years, they need another 40,000 sq. ft. to grow into. He said this means more equipment, and more hiring. He said they plan to continue using the existing building as a corporate structure, but within their five-year plan, they need another 40,000 sq. ft. for growth. Mr. Granger said that, as Mr. Overby explained, the grading and everything related has to be done in advance, before they move their operation over there. He said the back part of that area would be an extension to their parking area.

Mr. Granger asked for questions from members.

Mr. McBrayer asked how many employees US Conec currently has, and how many would they employ after the addition is completed. Mr. Granger said they currently have 135 employees and they expect to add another 15 to 20 people per year. He said the building would hold another 35 or 40 people, and then they would have to consider expansion.

There were no additional questions for Mr. Granger.

OPPONENTS

None

The Public Hearing was closed.

There was no further discussion on the petition.

Jeff Kerley moved, seconded by Bill McBrayer, to recommend that City Council approve Rezoning Petition 16-02. The motion carried unanimously.

Mr. Mays stated the petition was approved by the Planning Commission, and would be forwarded to City Council for final approval.

OTHER BUSINESS

Mr. Frazier said the second meeting of the Hickory by Choice/Land Development Code Update Subcommittee was held earlier tonight, and they will continue to meet prior to the regular HRPC meetings. He thanked the members serving for their participation.

Mr. Frazier said the City Manager has suggested that, after members have completed the Hickory by Choice 2030 five-year rewrite, they should take the Land Development Code and work with the Inspiring Spaces plan, the \$40 million bond initiative. He said there are five proposed gateways and nine proposed streetscapes. Regarding the nine proposed streetscapes, he said the City Manager's office has directed staff to initiate a Request for Qualifications (RFQ), which Mr. Zelenske has done; five firms responded, and they will interview three of them over the next two weeks.

Mr. Frazier said the City Manager's office requested they take the nine streetscape corridors and establish enhanced design standards from those that currently exist, possibly segmenting those corridors, and their own unique attributes and characteristics, for private development. He said a topic for discussion at their upcoming annual Council Retreat would be formulating enhanced private development standards for esthetics, including parking, lighting, signage, landscaping, design and architectural features, and other aspects. He advised members that staff would work with them to make a recommendation to City Council, later this year or early next year.

Mr. Mays asked Mr. Frazier to explain the overlay zoning districts. Mr. Frazier explained there are nine streetscapes, each having a base zoning district. He said an overlay would be another type of zoning district, on top of the base, adding another component to the base district. He said of the nine proposed streetscapes, he expects three or four will be funded through the bond initiative, such as Old Lenoir Road and Lenoir-Rhyne Blvd., while other ones, such as Springs Road, Highway 70 and Highway 127, will not be funded, yet, it is envisioned that there will be corridor overlay districts for these as well. He said staff would keep members apprised of the process as the effort progresses. He asked for further questions, and there were none.

Mr. Mays asked if there was additional business to come before the Commission, and there was none.

Adjourn: Bill McBrayer moved, seconded by Barbara Clemons, to adjourn. There being no further business, the meeting adjourned at 6:30 pm.

Randall Mays, Chairman
Hickory Regional Planning Commission

Anne Starnes, Minutes Clerk
City of Hickory

Attendance Roster

FY 15-16

**Hickory Regional
Planning Commission**

Key

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

		Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Appoint	Expire
Catawba County	Jeff Kerley						P		P					Jun-15	Jul-18
Longview	Randall Mays		P		P		P		P					Jun-14	Jul-17
Catawba County	John Eldridge		P		AX		AX		AX					Jun-14	Jul-17
Burke County	Vacant														
Brookford	Vacant														
Caldwell County	James Noggle		P		P		P		P					Jun-15	Jul-18
Ward 1	Bill McBrayer		AX		AX		P		P					Jul-13	Jul-16
Ward 2	Barabra Clemons		P		P		P		P					Jul-13	Jul-16
Ward 3	Junior Hedrick		P		P		P		P					Jun-14	Jul-17
Ward 4	Sam Hunt		A		P		P		P					Jun-15	Jul-18
Ward 5	Wallace Johnson		P		P		P		AX					Jun-14	Jul-17
Ward 6	Shanua O'Brien		P		P		P		AX					Jul-13	Jul-16

SPECIAL USE PERMIT ANALYSIS

PETITION: SUP 16-01

APPLICANT: Christopher Bryan Powe (for owner)

PROPERTY OWNER: Lake Hickory Marina II LLC

PROPERTY LOCATION: 6706 Limbaugh Lane

NCPIN: 2793-49-7844 (Caldwell County)

WARD: The subject property is located within the City of Hickory limits in Caldwell County. The property is located in Ward 6 (Councilwoman Patton).

ACREAGE: ~2.68 acres (116,740.8 ft²)

REQUESTED ACTION: The applicant requests a Special Use Permit for the operation of a drinking establishment in a General Business (C-2) District.

BACKGROUND: The property is currently in use as a marina known as the Lake Hickory Marina. The Lake Hickory Marina provides services to boaters. The marina previously operated an outdoor “tiki bar” on the subject property circa 2008. The “tiki bar” led to complaints by neighbors and was eventually removed. The marina transferred ownership over a year ago and the current owners have been working to upgrade the marina in all capacities. The applicant and current owners now seek to begin the process to open a drinking establishment.

Drinking establishments are defined in the Land Development Code as: *An establishment where alcoholic beverages are obtainable within or thereon and where such beverages are consumed on the premises. This includes all bars, nightclubs, taverns, and other similar establishments. This excludes eating establishments where food sales exceed 50 percent of the facility's total sales. If the facility also sells food, and the sale of food products represents more than fifty percent of the facility's total sales, the facility shall be considered an eating establishment. Eating establishments are classified as Retail Sales and Service.*

DEVELOPMENT POTENTIAL: The marina and its accessory uses include ~70 boat slips, a boat launch area and fueling station, a general store, a manager/sales office, a vacated boat repair/storage building, and an apartment for the property caretaker. An advertising billboard is also located on the site near the entrance with Highway 321.

The property is zoned General Business (C-2). The C-2 zoning district permits a wide variety of businesses offering convenience goods, shopper goods and services at locations along major transportation routes that serve both local and pass-through traffic. Certain residential uses, such as a caretaker's residence and multi-family developments are allowed in the C-2 zoning district. Light industrial uses are also permitted within the C-2 zoning district. The C-2 zoning district allows for a maximum floor area ratio (FAR) of 0.85, which equals a total of 99,229.7 ft² for this parcel.

LAND USE AND ZONING (Review Zoning Map):

- **Subject Property:** The property is located in a General Business (C-2) zoning district and is also within the Critical Watershed Protection Overlay district (WP-IV). The property currently functions as a marina that includes boat docks, a boat launch area

and fueling station, a general store, a manager/sales office, a boat repair/storage building, and a caretaker's apartment.

- **North:** The properties to the north are located in a Low Density Residential (R-20) zoning district, and are currently occupied by single-family residences. These residences are a part of the roughly 30 unit Lakeview Park neighborhood.
- **South:** The properties to the south, across Lake Hickory, are located in an Industrial (IND) zoning district, and are currently vacant. A railroad line also runs along the border of the lake.
- **East:** The properties to the east, across Lake Hickory, are located in a Medium Density Residential-Single Family (R-2) zoning district, and are currently occupied by a public park (Geitner-Rotary Park) and a water treatment facility.
- **West:** The property to the west, across Highway 321, is located in a General Business (C-2) zoning district, and is occupied by a vacated restaurant (previously George's 321 Restaurant & Nightclub).

ACCESS: Vehicular access to the property is only available from Limbaugh Lane, which stems off of Highway 321 (Hickory Boulevard). Limbaugh Lane is a privately maintained street, while Highway 321 is maintained by the NC Department of Transportation. As a marina, boat traffic has access to and from the site as well.

SEWER AND WATER: The property is currently hooked up to Caldwell County's public water system and has an on-site septic system. A connection to City of Hickory sewer is not possible at this time according to the City of Hickory Public Utilities Division.

SPECIAL USE PERMIT REVIEW CRITERIA: Special Use Permit applications may be approved by the Planning Commission only if it finds that all of the following criteria have been met:

1. **The proposed use is consistent with the Hickory by Choice 2030 Comprehensive Plan and stated Purpose and Intent of the Land Development Code;**

The HBC 2030 Comprehensive Plan indicates the property is located within an area classified as General Business. The description and intent of these areas, as found within HBC 2030, is as follows:

The General Business designation provides for a diverse set of commercial and office uses. The district accommodates shopping, services, and professional offices. It is intended to capture a diversity of uses, while also providing a predictable set of standards. Though the designation does include some residential uses, its primary focus is for commercial development accessed primarily by the automobile (targeting both local and pass-through traffic). Screening and landscaping standards are generally more relaxed than they are in other places given the proximity to similar use types.

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 General Business (C-2) zoning district, which the property is currently zoned, has been designed to directly coincide with areas categorized as General Business by the Hickory by Choice 2030 Comprehensive Plan.

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

The proposed establishment will be located in an existing building on the property. All proposed site improvements will be required to follow all applicable development regulations, which address air, water, and other environmental impacts.

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

The existing development on the property has been developed in a pattern that does not allow for the efficient provision of public services for additional development, such as a drinking establishment.

The property can only be accessed off of a privately maintained street that does not meet the current minimum width standards within the Engineering Manual of Practice for a two lane access drive. Certain sections of the street appear to measure less than 16 feet in width. Based on the boat trailer traffic and lack of curb and gutter, a minimum of 20 feet in width would be needed. Large emergency apparatus, can reach the marina, but would have difficulty if another vehicle was approaching from the opposite direction. Additionally, the private street is located directly off of Highway 321, a four lane divided highway with a posted speed limit of 55 miles per hour. The access only functions as a right in right out. Emergency vehicles and patrons traveling southbound from Granite Falls cannot crossover and instead must travel across the bridge and U-turn at the traffic signal located at Highway 321 and 14th Avenue Circle NW/15th Avenue NW. There is not a dedicated right-hand turn lane into Limbaugh Lane from Highway 321, but a wide shoulder is present. Access improvements may be necessary to promote public safety and welfare.

- 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 property. No building and site renovation plans have been submitted at this time, but the plans will be required to comply with all regulations contained within the Hickory Land Development Code and all other applicable local, state, and federal rules, such as the North Carolina Alcoholic Beverage Control Commission and North Carolina Department of Environmental Quality.

- Ensure protection from fire, flood and other dangers.

All current and future development occurring on the subject property will be required to adhere to all state and local building, fire, and flood zone development regulations. Such regulations ensure proper protections are provided for the owners of the subject property, as well as, the residents of the surrounding properties.

It should be noted that the portions closest to the lake, specifically the docks and a portion of the parking stalls, are located within the floodplain (Zone AE—no build

zone), however all buildings are located within the minimal flood hazard area (Zone X).

2. The proposed use complies with all applicable provisions of the Land Development Code;

As of present, the property and the proposed use do not comply with the Hickory Land Development Code.

Given the varied uses of the property, there are multiple minimum parking standards that must be met. The caretaker's apartment unit requires a total of 2 (rounded up from 1.5) parking stalls, the 881 ft² manager/boat sales office requires 2 parking stalls (rounded up from 1.8), the 907 ft² general store requires 3 parking stalls (rounded up from 2.7), the 947 ft² boat repair/storage building requires 2 (rounded up from 1.3) parking stalls, the ~70 boat slips at the marina requires 35 parking stalls. These existing require a total of 44 parking stalls. The proposed 1407 ft² drinking establishment requires 12 (rounded up from 11.3) parking stalls, which will require an overall number of 56 parking stalls.

Currently, there are 2 handicap parking stalls, 20 parking stalls, a small gravel parking lot that translates to approximately 7 parking stalls, and a large gravel parking lot that translates to approximately 17 parking stalls (with some capable of handling boat trailers). Combined this provides a total of 46 total parking stalls for the existing and proposed uses, well under the Land Development Code's minimum need of 56. There does not appear to be a feasible way to meet this total minimum parking requirement.

In addition, the existing gravel parking lots are nonconforming. The Land Development Code requires that new parking lots be paved and existing gravel parking lots be paved upon change of use. The drinking establishment would be considered a change of use.

It should also be noted that the existing billboard sign is considered a legal, nonconforming sign. Off-premise advertising billboards are no longer permitted.

The proposed use will have to obtain proper permitting, prior to construction and opening. The nonconformities in regard to parking will need to be upgraded for the entire site.

3. The proposed use is compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

The marina and the proposed use are not compatible with the adjacent residential neighborhood without complete compliance with the Land Development Code and other applicable regulations. Additionally, certain conditions on the proposed use may be necessary to improve land use compatibility.

The overall property lacks the necessary space for all of the existing and proposed uses. Topography limits the ability to add additional parking spaces and widen the entrance.

Proximity to the neighboring residential development is also a concern. Although a hillside landscape buffer exists, loud noises can still be heard between the subject property and neighboring residential areas. Noise complaints have been an issue in the past between neighbors and the marina. It should be noted that the limiting the hours of operations for the drinking establishment as a condition are not wholly enforceable. All

outdoor lighting, as well as, solid waste storage will be required to comply with the Land Development Code.

4. Any significant impacts on neighboring properties and/or the natural environment resulting from the use will be mitigated or offset;

Environmental impacts from this proposed use will be required to comply with all local, state, and federal regulations.

5. The proposed use will not cause substantial diminution in value of other property in the neighborhood in which it is to be located;

The level of negative impact on neighboring residential property values from the operation of a drinking establishment is not immediately clear, although they are generally deemed non-compatible due to issues with noise and late night operations. Reasonable conditions imposed on this proposal may assist with mitigating any future negative impacts.

6. Public safety, transportation, and utility services will be available to serve the subject property while maintaining sufficient levels of service for existing development;

The City of Hickory Fire Department will be responsible for ensuring fire protection. The marina is located approximately 2.4 miles away from the West Hickory Fire Station. According to the Fire Department, there are issues with providing adequate fire protection. In addition to the previously mentioned road width issues, the property is not located within 1,000 feet of a fire hydrant located on a public water line. The Fire Department reports that a dry hydrant was installed for the property and is the only immediate means of access to a water supply. A water shuttle operation may be needed if the dry hydrant is insufficient. There are also concerns in regard to fire apparatus maneuverability and placement as none of the structures are able to be accessed from the rear and the turnaround area for fire apparatus may be blocked by parked vehicles.

Police protection will be provided by the City of Hickory Police Department. Service demand from the proposed drinking establishment will likely result in an increase of noise and other complaints from neighbors. According to the Deputy Chief of Police, the property has not had any recent issues with law enforcement, but the previous "tiki bar" led to an increase in service demand and marina-neighborhood discussions. The property is located on the fringe of the Edward PACT patrol district, although response times are not expected to be diminished. The area will likely require more policing (land and water based) if the proposed use opens.

In regard to transportation and as previously noted, the road widths on Limbaugh Lane do not meet the existing standards for two way access. NCDOT is responsible for maintaining Highway 321 (Hickory Boulevard). There are plans to begin construction on infrastructure improvements to Highway 321 starting with the bridge in the next few years. A widening of Highway 321 to six lanes is scheduled to occur over the next 10 years. Road capacity issues from the traffic generated by the proposed use and the necessity for a right hand turn lane into Limbaugh Lane will be evaluated during the plan review process. Traffic generation to the site would be expected to increase with the opening of the proposed use.

The subject properties are currently served by public water and private on-site septic, both of which appear to be providing sufficient services to the subject property at present

time. Caldwell County did not express any concern regarding the expected increase in demand for water service. According to the Hickory Public Utilities Division, as well as, the Caldwell County Environmental Health Division an expansion of the septic system may be necessary based on the proposed use. Although a sewer line runs along Highway 321, this line is a sewer force main, which is not designed to be tapped into. Expansions to the private on-site sewer system require approval from Caldwell County Environmental Health. Further review and approval will be required when plans for the proposed use are submitted.

7. Adequate assurances of continuing maintenance have been provided;

The operation of the drinking establishment shall be conducted in conformity with all applicable development standards.

8. All applicable requirements and standards of the North Carolina Department of Alcoholic Beverage Control have been and shall be continued to be met;

The applicants will be required to provide documentation of any approval which may be required by the State of North Carolina prior to the issuance of a Certificate of Occupancy. This specifically includes proof of a commercial permit from the North Carolina ABC Commission.

9. Buffers and screening shall be provided, as required by the City's Land Development Code;

A 15 foot wide landscape buffer is required by the Hickory Land Development Code when a drinking establishment abuts single-family residential. This requirement appears to be met by the existing foliage and topography along the eastern property line.

RECOMMENDED ACTION: Staff does not recommend approval of the Special Use Permit for the proposed drinking establishment for the following reasons:

1. Not all aspects of the project have been demonstrated by the applicant to comply with all applicable provisions of the City's Land Development Code.
 - a. The minimum parking requirements for all of the existing uses is already substandard. Adding the proposed use, with limited ability to create additional parking areas, will only worsen the existing parking situation. Without adequate parking, issues with in/egress and blocking fire lanes may occur, risking the safety of the public.
2. Public safety, transportation, and utility facilities and services are not available to serve the subject property while maintaining sufficient levels of service for existing development.
 - a. The Hickory Fire & Life Safety Division has expressed concerns regarding the ability to provide adequate fire protection to the existing and proposed uses on the property. The buildings are unable to be accessed from the rear and are not located within 1,000 feet of a fire hydrant that is tied to a public water system. Currently, the only means of water supply for firefighting operations is a dry hydrant on site. As a last resort, water shuttle operations would need to occur. Ultimately, this means that if a fire were to occur, extra resources would be required to respond. Additionally, the marina management has informed the

Deputy Fire Chief that they are proposing a maximum of 70 patrons at the drinking establishment, however the current space can only support 49 patrons.

- b. The Hickory Public Utilities Division and Caldwell County Environmental Health Division has relayed concerns regarding the ability of the existing septic system to handle the additional demand of a drinking establishment combined with the other uses. Currently, there is no feasible access to a public sewer system and not enough information has been provided by the applicant to clarify the state of the existing septic system.

In the event that the Planning Commission finds that the all of the Special Use criteria are met and warrant approval of the Special Use Permit. Staff recommends the Commission consider the following conditions:

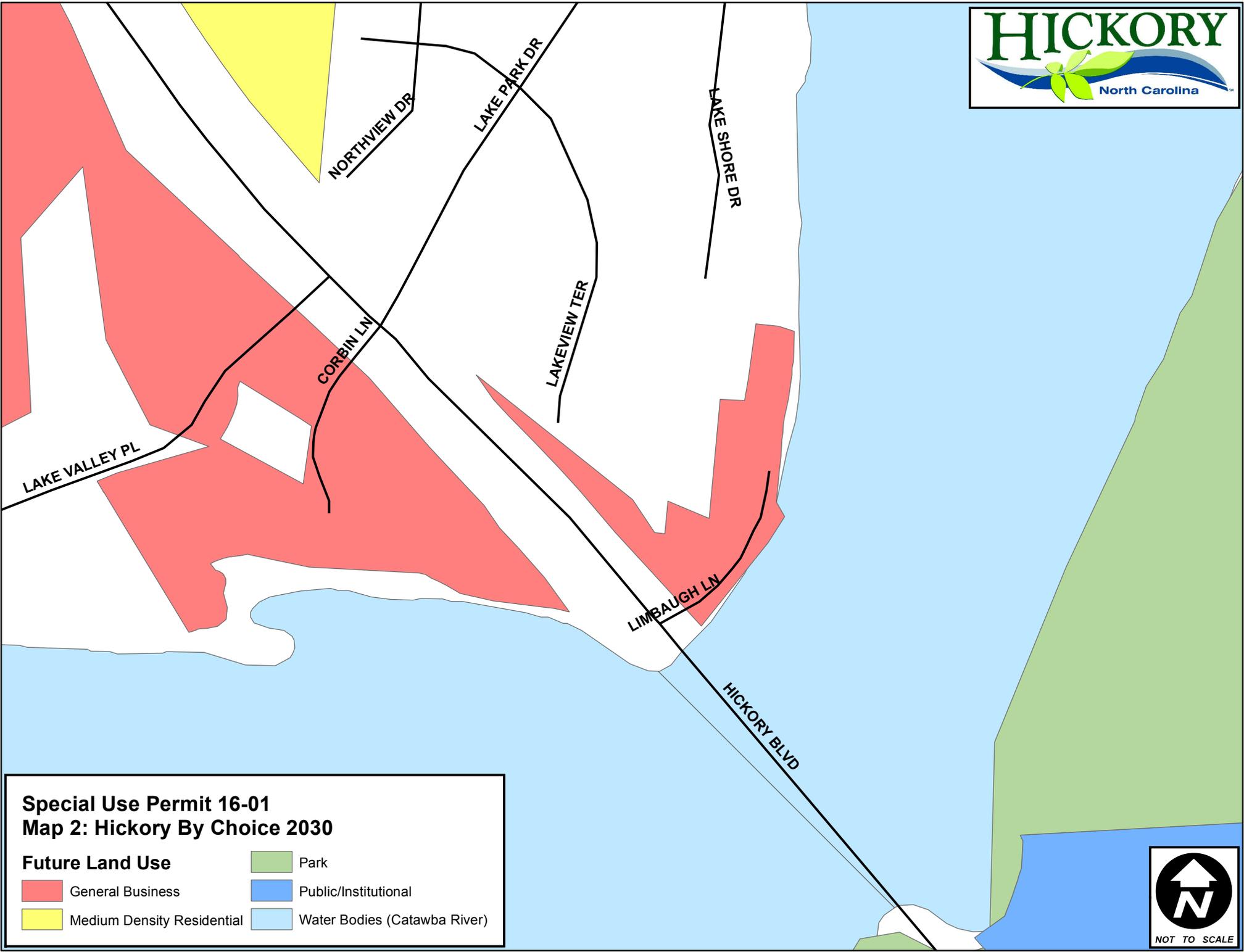
1. No outdoor entertainment and music shall be permitted.
2. All existing unpaved and gravel parking areas shall be paved and fully comply with the Land Development Code and other applicable regulations.
3. Additional signage and changes to existing signage shall comply with the Land Development Code and obtain separate permits.
4. All aspects of this project and any subsequent development shall comply with all applicable provisions of the Land Development Code, North Carolina Building Code, and North Carolina Fire Code.
5. The operation of this establishment must comply with all federal, state, and local regulations.

CITIZEN INPUT: As of March 15, 2016, staff has received one phone call regarding the Special Use Permit petition. The caller stated she was concerned with the efforts of advertising the public hearing to the neighbors and was also concerned that the drinking establishment was not compatible with the neighborhood.



Special Use Permit 16-01
Map 1: Aerial Ortho





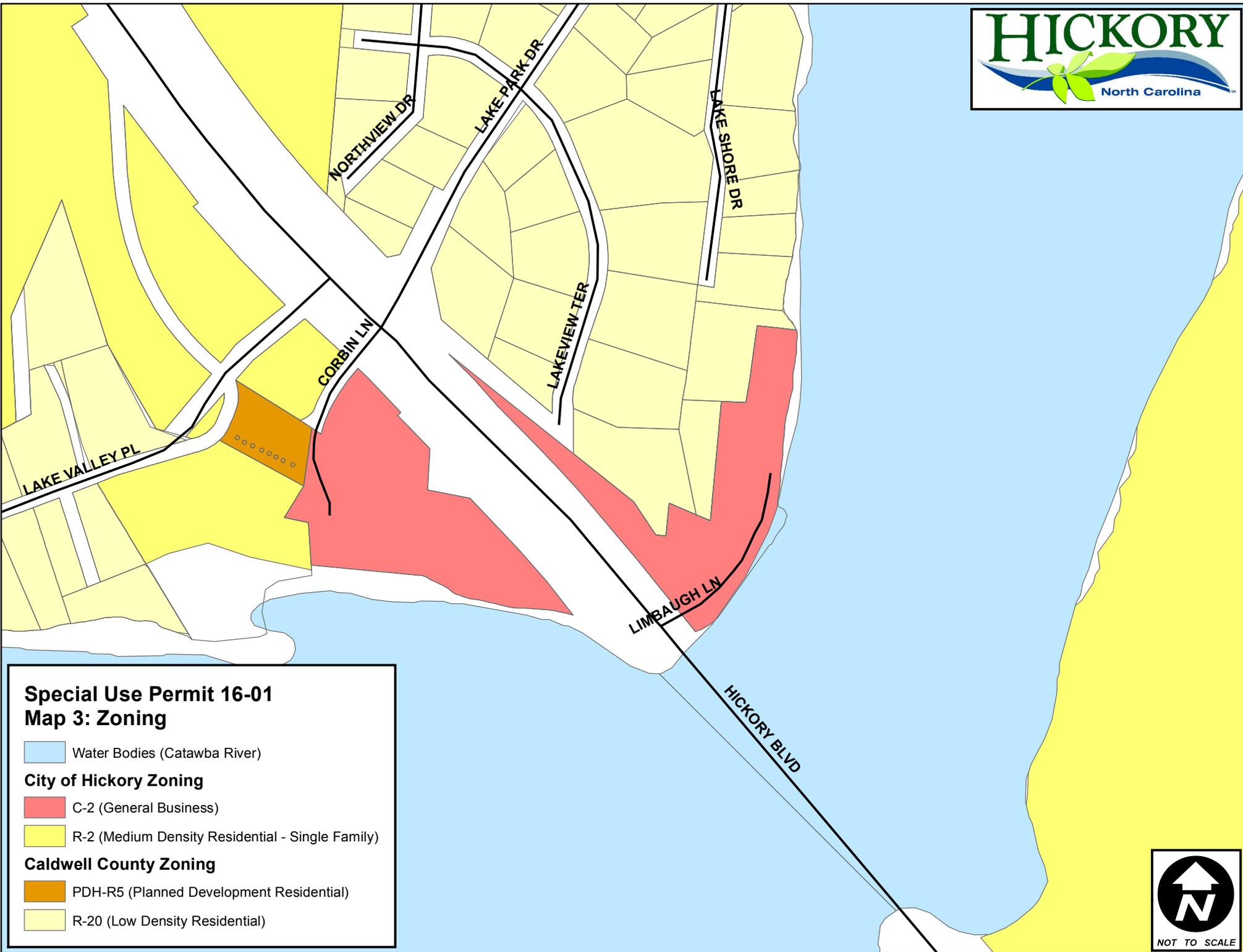
Special Use Permit 16-01
Map 2: Hickory By Choice 2030

Future Land Use

- | | | | |
|--|----------------------------|---|------------------------------|
|  | General Business |  | Park |
|  | Medium Density Residential |  | Public/Institutional |
| | |  | Water Bodies (Catawba River) |



NOT TO SCALE



**Special Use Permit 16-01
Map 3: Zoning**

-  Water Bodies (Catawba River)
- City of Hickory Zoning**
-  C-2 (General Business)
-  R-2 (Medium Density Residential - Single Family)
- Caldwell County Zoning**
-  PDH-R5 (Planned Development Residential)
-  R-20 (Low Density Residential)



NOT TO SCALE