



The Hickory Regional Planning Commission will hold its regular meeting on **Wednesday, March 22, 2023, 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 December 7, 2022 meeting.
- Reading of State Ethics Rules.

### **PRESENTATIONS AND PUBLIC HEARINGS**

1. Presentation of active and planned commercial and residential projects within Hickory's Planning Jurisdiction.

### **OTHER BUSINESS**

1. Discussion of appointment of representative to serve on the Community Appearance Commission.

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 22-23**

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

**Hickory Regional Planning Commission**

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

**Hickory Regional Planning Commission  
Wednesday, December 7, 2022, 6:00 pm**

A regular meeting of the Hickory Regional Planning Commission (HRPC) was held on Wednesday, December 7, 2022, 6:00 pm, in Council Chambers of the Julian G. Whitener Municipal Bldg.

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

**Members Excused:** Bill McBrayer

**Members Absent:** none

**Others Present:** Director of Planning Brian Frazier, Planning Manager Cal Overby, Deputy City Attorney Arnita Dula, and Minutes Clerk Anne Starnes

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

**Roll Call:** Director of Planning Brian Frazier said a quorum was present, and Bill McBrayer was excused. He said a Burke County representative had not yet been appointed to serve in Robert Weaver's place. Dr. Pekman asked him to provide Mr. Weaver's home address to members so they could send him a card.

**Items of Correspondence:** Mr. Frazier has received numerous e-mails from Burke County regarding their effort to replace Mr. Weaver on the Planning Commission.

**City Council Action:** Mr. Frazier said City Council had approved the City's Land Development Code and official zoning map on a unanimous vote.

**Approval and Signing of Minutes from the October 26, 2022 Meeting:** Minutes from the previous meeting in October were distributed to members in advance. No additions, deletions or corrections were stated. Anne Williams moved, seconded by Philip Reed, to approve the October 26, 2022 minutes as presented. The motion carried unanimously.

**Reading of State Ethics Rules:** Dr. Pekman read aloud the NC Ethics Rules:

*In accordance with the State Government Ethics Act, it is the duty of each 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 tonight? 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**

**1. Special Use Permit (SUP) 22-05.**

Dr. Pekman said the first hearing was quasi-judicial and all speakers must be sworn in prior to their testimony. Following the hearing, there will be a discussion by members and a roll call vote, with members voting individually and stating the reasons for their vote.

All speakers were sworn in prior to their testimony.

Planning Manager **Cal Overby** presented the Staff Report and referred to PowerPoint slides. He reviewed slide #2 (Special Use Permit 22-05):

- **Property Owner:** CB Realty
- **Applicant/Agent:** Jason Hart
- **Property Location:** 104 2nd Avenue NW
- **Ward:** Ward 5 (Zagaroli)
- **Property Zoning:** Central Business (C-1)
- **Property Size:** 0.31 acres
- **Request:** Operation of a drinking establishment

He said the applicant, Jason Hart, was acting on behalf of CB Realty, the property owner.

Mr. Overby reviewed slide #3 (Background).

- The subject property contains a single stand-alone building in downtown Hickory. The structure has been vacant for an extended period of time.
- The applicant wishes to operate a drinking establishment on the subject property, which requires the issuance of a Special Use Permit.
- The Land Development Code defines a drinking establishment 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 30% of the facility’s total sales. If the facility also sells food, and the sale of food products represents more 30% of the facility’s total sales, the facility shall be considered an eating establishment. Eating establishments are classified as Retail Sales and Service.

He said the property has been vacant for quite awhile. Another party was interested in the property for a restaurant a couple years ago, but it never materialized. As with any drinking establishment, they are required to come before the Planning Commission to obtain a Special Use Permit prior to opening the operation. He discussed the definition of a drinking establishment in detail, as stated in the Land Development Code.

Mr. Overby reviewed slide #4 (Map 1. Hickory by Choice 2030), saying the subject property was shown hashed in red on the map, located in the Central Business District.

Mr. Overby reviewed slide #5 (Map 2. Current Zoning). From a zoning standpoint, he said C-1 is the Central Business District. Office & Institutional zoning is located north of the property, with some scattered Residential uses to the south.

Mr. Overby reviewed slide #6 (Map 3. Aerial Photography). He pointed out the locations of Frye Regional South Campus, Truist Bank, and Bank of America.

Mr. Overby reviewed slides #7-13 (Special Use Criteria).

**1. Consistency with the Hickory by Choice 2030 Plan**

- The Comprehensive Plan indicates the subject property is located within the Central Business District classification.
- The Comprehensive Plan describes the Central Business District thusly: “The traditional downtown serves many functions of a neighborhood mixed use district as well as a regional service provider of banking and medical services. Residential neighborhoods within and surrounding the City Center not only provide the market for smaller neighborhood or convenience commercial services but these residential districts also provide a market for a variety of the Central Business District’s services which afford residents and visitors a vibrant, pedestrian rich atmosphere in the City’s downtown.”

- A drinking establishment, while not explicitly mentioned in the Comprehensive Plan, could be considered consistent with the aforementioned retail operations associated with the Central Business classification.

**2. Compliance with the Land Development Code**

- The proposed use appears to comply with all applicable provisions of the Land Development Code.
- Compliance will be affirmed during the administrative plan review and permitting process.

Mr. Overby said requesting this permit is basically step one for the applicant toward opening the establishment. During the review and permitting process, staff and various other parties will make certain everything is in place before they open their operation.

**3. Compatibility with adjacent uses**

- The proposal to open a drinking establishment on the subject property is compatible with the adjacent uses on the property.
- Hours of operation are regulated by the State and are unable to be enforced at the local level.
- A modest increase in traffic to the area will occur given the nature of the business, but is not anticipated to increase to an unacceptable volume.
- The downtown area currently has City recycling and trash disposal area to reduce odors.
- The applicant has not indicated the footprint of the building will be expanded.

Dr. Pekman asked where patrons would park when they visit the establishment. Mr. Overby said a dedicated parking area is located on the property and on-street parking is located nearby, which he pointed out on slide #6 (Map 3. Aerial Photography).

**4. Mitigation of significant impacts**

- No adverse impacts from the use of this property as a drinking establishment are anticipated.
- The project has been and will continue to be reviewed for compliance with all applicable development standards.

**5. Diminution in value of surrounding properties**

- No qualified information has been submitted that would indicate the proposed drinking establishment would have detrimental impacts on the values of properties in the vicinity.

**6. Levels of service (police, fire, utilities, etc.)**

- The property is served by Hickory Fire Department and is less than 1-mile from Fire Station 1. The Fire and Life Safety Division will review the business further during the plan review and inspection process. Police protection will be provided by Hickory.
- Public water and sewer are available to adequately serve the property.

**7. Assurances of continued maintenance**

- The applicant will be required, by city ordinance, to maintain all portions of the property.

Mr. Overby reviewed slide #14 (Recommendation & Findings).

**• Staff Recommendation**

- Staff finds the request to be in conformance with the standards for approval contained with the City’s Land Development Code, and recommends approval contingent upon the following:
  1. All aspects of the project, and its subsequent improvements, shall comply with all applicable provisions of the City’s Land Development Code, and the Building and Fire Codes of the State of North Carolina; and
  2. Prior to the occupancy of the space, any required construction plans must be submitted, reviewed and approved by the City of Hickory.

Mr. Overby said staff recommends approval of this request. He asked for questions from Commission members.

Ms. Williams asked if Mr. Overby had information on the size of the building. Mr. Overby said it is not very large, likely 2,300 sqft. at most, but there is also a partial basement. The applicant is present and could discuss the exact square footage.

There were no additional comments or questions for Mr. Overby.

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

Dr. Pekman said the Commission's procedure for a public hearing is to provide 15 minutes to both groups, those speaking for and against the project.

Dr. Pekman opened the public hearing for Special Use Permit 22-05.

### **PROPONENTS**

• **Jason Hart**, 60 W. Highland Avenue, Granite Falls NC, addressed Commission members, saying he had been trying to do this for a while now. He had to switch locations at one point, due to construction. He was glad to find this location, which has been empty for some time, and saw it as a good opportunity to use a property on 2<sup>nd</sup> Avenue in downtown that was not being used. There is a lot of traffic in front of the building, and he believes it is a great spot to put something unique and different in Hickory.

Mr. Hart lives in Granite Falls, and they come to Hickory often; there is nothing like what this property is going to be, not in downtown or any other area of Hickory. It is going to be a "mead house" with the majority of their product being wine based, actually a fermented honey water that most people call "the Vikings drink." It is definitely one of the older alcohols in the world. Even though it does need to be quantified as a drinking establishment, it will not by nature look, feel, or sound like a bar; it will likely never be open past 10:00, with quiet music. It will almost never have live music. The best way he could explain it would be as an alcoholic coffee shop. People will come in and sit, relax, talk, play games at their tables, and socialize quietly.

Regarding the size of their space, Mr. Hart said the building has two levels, and he would only occupy the upper level. The lower level is currently empty and, to his knowledge, the current property owner does not have plans to use it at this time. The upper level is roughly 1,700 sqft. and the entire building is close to 3,000 sqft. Some renovations will be done to the building, which the owner will handle. He will make sure that everything is up to code and done right.

Mr. Hart asked if there were any questions from the members.

Mr. Mull asked if he was currently operating a similar operation to the one he plans to open. Mr. Hart said this was his first venture into operating his own business. He has a full-time job and a family, so he works every day; this is going to be his own journey.

Mr. Hunt asked what the capacity would be in the establishment. Mr. Hart said that, based on what the square footage would allow, he believes his occupancy will be 60-62 people. However, based on seating and how he plans to use the space, they will likely never have more than 30 people inside. There will not be a formal bar inside, where people will sit and order drinks. They will sit at individual tables and it will have more of a coffee shop look, but with Viking attire, if that makes any sense.

Mr. Mull said he understands the number of employees would be based on their sales volume and other factors, and asked how many he expects it would take to operate the business. Mr. Hart said that, initially, it would mainly just be him, but his plan is to have 2 to 5 employees, which would allow him to stagger the workers, have regular

coverage, and provide time off for them to enjoy their lives. Ultimately, he hopes to have three locations within an hour's distance of Hickory, not anything that is franchised nationwide, but with all of them branded the same, being local and appreciated.

There were no further questions for Mr. Hart.

No additional proponents were present to speak.

## **OPPONENTS**

None

Dr. Pekman closed the public hearing. He asked for discussion on Special Use Permit 22-05. Hearing none, he requested a motion to approve or deny the petition.

Sam Hunt moved, seconded by Philip Reed, to approve Special Use Permit (SUP) 22-05.

Dr. Pekman said this was a quasi-judicial hearing and called for a roll call vote on the motion.

**Mr. Hunt** voted in favor of the motion to approve Special Use Permit 22-05, based on the review criteria, written staff report, and testimony given.

**Rev. Johnson** voted in favor of the motion to approve Special Use Permit 22-05, based on the findings of fact and testimony by the applicant, and it sounds like a good business plan that people will enjoy.

**Dr. Pekman** voted in favor of the motion to approve Special Use Permit 22-05, based on it being thoroughly vetted by the Planning Department staff, and it meets all criteria in the Land Development Code and Hickory by Choice 2030.

**Mr. Reed** voted in favor of the motion to approve Special Use Permit 22-05, based on the staff report and that it meets all the provisions and criteria in the Land Development Code.

**Mr. Mull** voted in favor of the motion to approve Special Use Permit 22-05, based on the staff report and recommendation. He commended the applicant's entrepreneurial spirit.

**Ms. Williams** voted in favor of the motion to approve Special Use Permit 22-05, based on the petition meeting all seven SUP criteria and the staff report.

**Mr. Hedrick** voted in favor of the motion to approve Special Use Permit 22-05, based on the findings of fact, the testimonies given, and it being consistent with the Land Development Code.

Dr. Pekman said the motion carried unanimously and Special Use Permit 22-05 was granted.

## **2. Rezoning Petition (RZ) 22-13.**

**Cal Overby** presented the Staff Report and referred to PowerPoint slides. He reviewed **slide #16** (Rezoning Petition 22-13):

- **Property Owners:** Trivium Corporate Center, Inc.
- **Applicant:** Trivium Corporate Center, Inc.
- **Location:** Trivium Parkway
- **Current Zoning:** R-20 Residential
- **Property Size:** 3.54 acres

- **Background:** The property was voluntarily annexed recently and is vacant.
- **Request:** Rezone to Industrial - Conditional (IND-CZ)

He said the City of Hickory was the applicant on this rezoning request, and the property had been annexed by City Council at their meeting last night. This piece of property, Lot 5, was purchased by Trivium Corporate Center Inc. from Discovery Church. Subsequently it will be added to the current Trivium Business Park. The property is currently zoned as Catawba County R-20 Residential, and the request is to rezone it to Industrial Conditional (IND-CZ), which is the zoning designation of the remainder of Trivium Corporate Center.

Mr. Overby reviewed **slide #17** (Map 1. Hickory by Choice 2030), saying the parcel outlined in red is Lot 5, the area being rezoned. The boundaries are very general on the Future Land Use Plan, and are basically a straight line within the existing industrial park. In terms of consistency with the plan, it appears to be consistent with the Long Range Development Plan. He noted that staff added the parcel data to the map to give people an idea of the geography in the area.

Mr. Overby reviewed **slide #18** (Map 2. Current Zoning), saying the map represents the current zoning for both the City of Hickory and Catawba County. The area shaded in beige on the map represents Catawba County R-20, which is basically a residential district of about 2-units per acre. Regarding Hickory's zoning, the area shaded in dark purple is Trivium Corporate Center. The Trivium property includes a small area on the opposite side of Startown Road, with adjacent properties to it currently zoned NC (Neighborhood Commercial) and PD (Planned Development).

Mr. Overby reviewed **slide #19** (Map 3. Aerial Photography). He said this photo is not as recent as staff would prefer using; it is probably from a couple years ago, and a lot of construction has taken place since that time. Again, the subject property was outlined in red. He pointed out the Corning facility, which was the first building constructed in the business park, and noted where other buildings are currently located on what appears to be vacant property in the photo. He pointed out Robinwood Road and Startown Road, located nearby.

Mr. Overby reviewed **slide #20** (Rezoning Petition 22-13).

- The general area is currently zoned R-20 Residential and is vacant.
- The general area is classified **High Density Residential and Industrial** by the Hickory by Choice 2030 Comprehensive Plan.
- The Hickory by Choice 2030 Plan states the following about the High Density Residential and Industrial land use classifications (summarized):
  - High Density Residential is intended to be placed near **higher intensity uses**.
  - High Density Residential aims to be **near employment centers**, as well as commercial sites.
  - High Density Residential seeks to use main thoroughfares as a focus for **business and employment centers**.
  - Industrial intends to provide **centers for employment, specifically in this general area**.
  - Industrial is intended to utilize **higher traffic roadways** to accommodate employment centers.

He said the property is in area right on the edge of Industrial and High Density Residential and, given that there are no specific parcel boundaries, staff finds it to be consistent with the Hickory by Choice 2030 Comprehensive Plan.

Mr. Overby reviewed **slide #21** (Findings & Recommendation).

- **Findings**
  - The IND-CZ zoning district is not listed as the implementing zoning district for the High-Density Residential classification, but is for the Industrial classification. The rezoning request is to extend an existing industrial district further northward, to include all area of an existing parcel. Given the existing zoning of the subject property and its proximity to a major thoroughfare (Startown Rd.), it would appear reasonable to expand the existing IND-CZ district, in the manner requested.



- Given these factors, the rezoning of the property to IND-CZ should be considered consistent with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.

- **Recommendation**

- Staff has found Rezoning Petition 22-13 to be consistent with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:
  - The Planning Commission move to affirm the rezoning petition's consistency with the Hickory by Choice 2030 Comprehensive Plan; and
  - Forward a recommendation of approval to Hickory City Council.

Mr. Overby said staff recommends approval of the requested rezoning. He asked for questions from Commission members, and there were none.

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

Dr. Pekman opened the public hearing for Rezoning Petition 22-13.

### **PROPONENTS**

• **Scott Millar**, 150 N. Center, Apt. 425, Hickory NC, addressed Commission members, saying he is with the Catawba County Economic Development Corporation. He returned Slide #19 (Map 3. Aerial Photography) to the screen and pointed out Discovery Church to the north, the original owner of this property. A Piedmont Natural Gas transmission line bisects the northern property line of this property, which they just traded, and the remainder of the Discovery Church property. This piece (of property) was used by Discovery Church as a septic drain field, but they recently connected Discovery Church to the Hickory municipal sewer line located in that area, therefore rendering this piece as not usable by the church. He said they could certainly add parcel #5 as a development piece, where as a septic drain field it was never going to generate any tax base for the City of Hickory. They feel that it can now become a productive piece of property and, so obviously, Trivium Corporate Center and Catawba County Economic Development Corporation are in support of this proposal.

Mr. Millar noted he had thanked the Planning Commission publicly, during the Microsoft announcement a couple weeks ago, for their efforts and support of the two annexations and rezonings the members participated in back in the fall. While at the time, the members did not know these were for Microsoft, they indeed were, and the City of Hickory and Catawba County got a billion dollars worth of investment as a result. He thanked the members again.

Mr. Millar asked if there were any questions for him, and there were none.

Mr. Mull thanked Mr. Millar for the work he is doing, as did Dr. Pekman.

### **OPPONENTS**

None

Dr. Pekman closed the public hearing.

Dr. Pekman asked for discussion. Hearing none, he requested a motion to approve or deny the petition.

Philip Reed moved, seconded by Sam Hunt, to recommend approval of Rezoning Petition 22-13. The motion carried unanimously.

The Planning Commission's recommendation of approval will be forwarded to Hickory City Council.

### 3. Rezoning Petition (RZ) 22-14.

Cal Overby presented the Staff Report and referred to PowerPoint slides. He reviewed slide #23 (Rezoning Petition 22-14):

- Property Owners: City of Hickory
- Applicant: City of Hickory
- Location: Dietz Road and River Road
- Current Zoning: R-20 and 321ED (MX)1
- Property Size: 172.10 acres
- Background: The subject properties are city-owned and were purchased approximately twenty (20) years ago. The prior annexation places the properties under Hickory's official jurisdiction and provides the city with further authority to decide how or if the properties are to be developed in the future. There are no current development plans for the properties.
- Request: Rezone the properties to R-1 Residential and Industrial (IND).

He said the City of Hickory is requesting to rezone approximately 172-acres of property. He noted the staff report and slide both state 104.06 acres, which was taken from the tax records, but it is not correct. The City had the property surveyed, and the actual number is 172 acres. It is located along Dietz Road, which intersects near the interchange of Highway 321 and River Road.

The City has owned this property for over 20-years. The request is to rezone it from Catawba County R-20 Residential and 321ED (MX)1 to Industrial (IND) and R-1 Residential, the reason being that City Council officially annexed this property last night, which is an unusual process.

Mr. Overby reviewed slide #24 (Map 1. Hickory by Choice 2030). In terms of future land use, he said this map shows the entire area as being Industrial, which is shaded purple. The area shaded yellow is Low Density Residential, with a small Neighborhood Mixed Use area located by the interchange, shaded pink. The City owned properties are outlined in red on the map. At one time, the City had the idea for this to become an industrial park. Priorities changed and other properties became available, as has been discussed, in better locations with easier topography to develop, but the City still owns this property. Some of the property located to the north, across the Henry Fork River, will actually be donated to the State of North Carolina for the Henry River State Park, along with property the state already owns.

Mr. Overby reviewed slide #25 (Map 2. Current Zoning). He pointed out the subject property outlined in red. The property zoned Catawba County R-20 Residential is shaded beige and the property zoned Catawba County 321-ED (MX) is shaded lavender. He said this is a rather unusual zoning district. In Catawba County's code, the uses change as the size of the parcels change. You could have Residential here, then go up and there is MX (Mixed Use), and then it goes up and the uses get more intense; they begin here, and then become much broader uses. It is set up in a very interesting way.

Mr. Overby reviewed slide #26 (Map 3. Aerial Photography). He noted area 1, area 2, and area 3, saying the properties owned by the City are all vacant. There are some utility lines and easements in the area, but there is nothing on the property. Some residences can be seen, located up Dietz Road.

Mr. Overby reviewed slide #27 (Rezoning Petition 22-14).

- The general area is **classified Industrial** by the Hickory by Choice 2030 Comprehensive Plan.
- The area in question is designated as Industrial by the Comprehensive Plan. Areas classified as Industrial are intended to accommodate **employment centers focused on attracting private sector investment and job creation**. Rezoning of the referenced properties to Industrial (IND) would be **consistent** with the Comprehensive Plan.

- Other parts of the rezoning area are proposed to be rezoned to R-1 Residential, which is **inconsistent** with the Comprehensive Plan. However, the current zoning of those properties is inconsistent with the Comprehensive Plan and assigning a similar residential district will not alter the current reality.

He said the property currently zoned Catawba County R-20 Residential would be rezoned to Hickory R-1 Residential, and the property currently zoned Catawba County 321ED (MX)1 would be rezoned to Hickory Industrial (IND), which basically goes along with the long range plan for this area.

Mr. Overby reviewed **slide #28** (Findings & Recommendation).

- **Findings**
  - The R-1 zoning district is not listed as the implementing zoning district for the Industrial classification; however, the subject rezoning request is **the same as the current zoning**. The R-1 zoning district **is** listed as the implementing district for the medium density residential classification. Given the existing zoning of the subject property, it would appear **reasonable** to rezone the existing properties in the manner requested.
  - Given these factors, the rezoning of the property to R-1 and IND should be **considered consistent and inconsistent with the findings and recommendations** of the Hickory by Choice (2030) Comprehensive Plan.
- **Recommendation**
  - Staff has found Rezoning Petition 22-14 to be **consistent and inconsistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:
    - The Planning Commission move to affirm the rezoning petition’s consistency and inconsistency with the Hickory by Choice 2030 Comprehensive Plan; and
    - Forward a **recommendation of approval** to Hickory City Council.

Mr. Overby said staff recommends approval of this request. He asked for questions from Commission members.

Dr. Pekman asked if City water and sewer are available to these properties. Mr. Overby returned **slide #25** (Map 2. Current Zoning) to the screen and said utilities are limited in the upper area outlined in red; there are public utilities coming into the R-2 Residential area, shaded dark yellow, where the Blueberry Farm development will be located off of Catawba Valley Blvd. However, there are very limited utilities in the other area of the City’s property. Dr. Pekman said if it were being developed, then utilities would need to be brought in. Mr. Overby said that was correct, and it would be quite expensive to do so; the City has no plans for this property, other than pulling it into the City, annexing it and assigning a zoning to it, as they probably should have done a long time ago.

There were no additional comments or questions for Mr. Overby.

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

Dr. Pekman opened the public hearing for Rezoning Petition 22-14.

**PROPOSERS**

None

**OPPOSERS**

- **Rick Adsit**, 1761 Dietz Road, Hickory NC, addressed Commission members, saying he lives on the small parcel right next to what [staff] said was going to be Industrial. **Slide #25** (Map 2. Current Zoning) was returned to the screen, and he pointed out his property on Dietz Road, near the intersection with River Road.

Mr. Adsit asked for additional information on what would be built there, or what their plans are for what will become an industrial area. Dr. Pekman said he could not answer his question, it is not in the Commission's purview; they are here to discuss the rezoning request, and approve it or not. Mr. Adsit said so no one could tell him what is going to be built or developed there, okay.

Mr. Hunt asked Mr. Frazier if he knew of any construction or buildings that are being planned there. Mr. Frazier said no, not at this time.

Mr. Adsit said he had no other questions, and thanked the members.

• **Scotty Townsend**, 1865 Dietz Road, Hickory NC, addressed Commission members. His family is currently building a house on Dietz Road, on the portion of land that is not included in the City's property. Slide #26 (Map 3. Aerial Photography) was returned to the screen. Mr. Townsend pointed out the location of their home, which is currently under roof, saying he is definitely against the industrial use in the lower part of the property. He asked if he had understood correctly, that the upper property would be zoned as R-1. Dr. Pekman said yes, that is what the City is requesting. Mr. Townsend also asked if he understood correctly that the City had annexed the property, and it is now City property. Dr. Pekman said yes. Mr. Townsend asked if someone could explain to him what the difference is between R-20 and R-1, which thought the members were voting to do now. Dr. Pekman said R-20 is a Catawba County zoning designation, for roughly a half-acre in the County, and he did not believe property owners were required to have water and sewer. He asked Mr. Overby to explain the uses in R-20.

Mr. Overby said R-1 and R-20 are basically the same, in terms of density and use. The City is more restrictive on manufactured housing, significantly more so than in Catawba County. In terms of uses, he said for the most part you would see houses and perhaps a duplex, half-acre lots, pretty much what is seen there now, except for manufactured homes.

Mr. Townsend asked if Mr. Overby was telling him that, all the property located north of his property, that was all R-20 before and now they want it to be R-1. He said there has to be some reason for that. What are Hickory's reasons? Is it just because they annexed it last night? Or because the County is R-20 and the City is R-1? Mr. Overby correct. Mr. Townsend said that, if he was hearing him correctly, then the property would never become Industrial, it will just continue to be Residential. Referring to slide #26 (Map 3. Aerial Photography) on the screen, Mr. Overby pointed out the only portion that would be zoned as Industrial, saying the remainder of the property would be Residential. Mr. Townsend said he appreciated the explanation, and thanked everyone for their time.

No additional opponents were present to speak.

Dr. Pekman closed the public hearing.

Dr. Pekman asked if there was any discussion on the proposal. Ms. Williams said it appeared that the City had been satisfied with it being both consistent and inconsistent for some 20 years now, and that staff was recommending approval of the rezoning request.

Anne Williams moved, seconded by Wallace Johnson, to recommend Hickory City Council approve Rezoning Petition 22-14, as it meets the City's requirements for the Land Development Code and Hickory by Choice 2030. The motion carried unanimously.

Dr. Pekman thanked the residents who attended the public hearing and offered their input, which the Commission values. He explained that the Commission's recommendation of approval would now be forwarded to Hickory City Council for their meeting on Tuesday, December 20, at 7:00 pm. Ms. Dula said City Council would also hold a public hearing, and these residents would have another opportunity to speak. Dr. Pekman advised the residents that if they have further questions or wish to speak to City Council members, they should attend the public hearing on December 20.

Mr. Adsit asked if his property would be annexed next, and Mr. Frazier said no.

Mr. Townsend said they were asking to rezone it to R-1, which is Residential, and asked what if the City or County wanted to come in and build lots of homes in there. Ms. Dula noted the public hearing had been closed, and suggested Mr. Townsend speak with Mr. Frazier after the meeting. Dr. Pekman agreed, saying Mr. Frazier could discuss the allowed uses in much greater detail.

**Other Business:** Mr. Frazier thanked Dr. Pekman for chairing the meeting, saying staff would not know whether there will be a meeting in January until the end of December, but members will be advised.

Mr. Frazier said he and Mr. Overby have extended an invitation to two applicants to join the Planning & Development Department as future staff members, an entry-level planner and a senior planner who has 3-years of experience. He said having four staff members would be the most they have had in the past 12+ years. Dr. Pekman said members were glad to hear that their current staff is going to have more help in the future.

**Next Meeting:** The next regular meeting is scheduled for Wednesday, January 25, 2023, at 6:00 pm.

**Adjourn:** Philip Reed moved, seconded by Sam Hunt, to adjourn. There being no further business, the meeting adjourned at 6:45 pm.

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Bill Pekman, Vice-Chair  
Hickory Regional Planning Commission

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Anne Starnes, Minutes Clerk  
City of Hickory