



Life. Well Crafted.

The Hickory Regional Planning Commission will hold its regular meeting on **Wednesday, March 23, 2022, 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 23, 2022 meeting.
- Reading of State Ethics Rules.

PRESENTATIONS AND PUBLIC HEARINGS

1. **Rezoning Petition (RZ) 22-06** – Request by Delphi Development, LLC for the rezoning of approximately 9 acres of property located on Valley Arbors Dr. between Robinson Rd. and 21st Street SE from Planned Development (PD) to an amended Planned Development (PD). The subject property is further identified as PINs 3711-11-56-5918 on the Catawba County GIS maps.

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.

**Hickory Regional Planning Commission
Wednesday, February 23, 2022, 6:00 pm**

A regular meeting of the Hickory Regional Planning Commission (HRPC) was held on Wednesday, February 23, 2022, 6:00 pm, in Council Chambers of the Julian G. Whitener Municipal Bldg.

Members Present: Bill McBrayer, Bill Pekman, Junior Hedrick, Anne Williams, Wallace Johnson, Philip Reed, Jeff Kerley, and Sam Hunt

Members Excused: Robert Weaver

Members Absent: none

Others Present: Director of Planning Brian Frazier, Senior Planner Brian Burgess, City Attorney John Crone, Attorney Dan Christian, and Minutes Clerk Anne Starnes

Parliamentary Call to Order & Welcome: Bill McBrayer, Chair, called the meeting to order at 6:25 pm, following a meeting of the Hickory Board of Adjustment.

Roll Call: Brian Frazier said a quorum was present, and Robert Weaver was excused. Mr. Weaver appreciated the note he received, and expects to attend the next meeting.

Items of Correspondence: Mr. Frazier noted the total count of correspondence for the five hearings tonight was 11 phone calls and 83 e-mails. Staff also met with 27 individuals per the hearings tonight. He will attach all correspondence received by staff to the electronic file and enter it into the record.

City Council Action: Mr. Frazier said City Council had recently approved both Rezoning Petition 21-07 and Rezoning Petition 22-01.

Approval and Signing of Minutes from the January 26, 2022 Meeting: Minutes from the previous meeting in January were distributed to members in advance. No additions, deletions or corrections were stated. Sam Hunt moved, seconded by Bill Pekman, to approve the January 26, 2022 minutes as presented. The motion carried unanimously.

For the benefit of everyone present, City Attorney John Crone clarified that, prior to the meeting tonight, all items of correspondence received by the City's Planning Director, including the letters and e-mails, were forwarded to each Commission member for review. Mr. Crone said he and everyone else appreciated their interest in these proceedings. Mr. McBrayer agreed, and thanked him.

Reading of State Ethics Rules: Mr. McBrayer read aloud the NC Ethics Awareness & Conflict of Interest Reminder:

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 from any of the five hearings on the agenda.

PRESENTATIONS & PUBLIC HEARINGS

1. Special Use Permit (SUP) 22-01.

Request by Gary Preston, agent for Rahe Bryce, LLC, for approval of a Drinking Establishment on property located at 117 Government Avenue SW, and further identified as PIN 3702-07-59-7195 on the Catawba County GIS map.

Mr. McBrayer opened the public hearing for SUP 22-01.

All speakers were sworn in prior to their testimony.

Senior Planner **Brian Burgess** presented the Staff Report and referred to PowerPoint slides. He reviewed slide #16 (Special Use Permit 22-01):

- **Property Owner:** Rahe Bryce, LLC
- **Applicant/Agent:** Gary Preston, operator of The Dive Bar
- **Property Location:** 117 Government Avenue SW
- **Ward:** Ward 4 (C. Williams)
- **Property Zoning:** Central Business (C-1)
- **Property Size:** ~.25 acres
- **Request:** Operate a drinking establishment at the property

He said Special Use Permits are quasi-judicial in nature and additional evidence is required.

Mr. Burgess reviewed slide #17 (Background).

- The subject property is part of a row of businesses in the Downtown Area. The structure was constructed around 1959. The last tenant in the proposed space was a martial arts studio. The space has remained vacant for several months since they moved to a different location.
- 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 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.*

He said this information was important to present to members, and for them to understand.

Mr. Burgess reviewed slide #18 (Map, Future Land Use). He noted the subject property in the Central Business District, hashed in red, the middle of downtown Hickory.

Mr. Burgess reviewed slide #19 (Aerial of Subject Area). He pointed out various nearby locations on the aerial, including the post office, office space, parking, and Union Square. Again, the subject area was hashed in red. He pointed out that the area is in Hickory's newly adopted Social District, where people will be able to purchase alcoholic beverages. There are numerous standards, but he expects it is one of the reasons for the interest in this rezoning.

Regarding slide #20 (Subject Area Zoning), Mr. Burgess said the subject property is surrounded by C-1.

Mr. Burgess reviewed slides #21-28 (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.

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 not be high enough to warrant any traffic changes for the shopping center according to NCDOT.
- Outdoor lighting for the area parking lot is existing, but any changes would be reviewed for compliance with the Land Development Code to ensure minimal glare onto neighboring properties and roadways.
- Noise from the proposed use could be limited by a condition to prohibit outdoor music.
- The downtown area currently has City recycling and trash disposal area to reduce odors.
- There are no plans to expand the footprint or alter the exterior of the building at this time according to the applicant.

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 the Hickory Fire Department and is less than one 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. The Public Utilities Division did not have any objections to the business.

7. Assurances of continued maintenance

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

Mr. Burgess reviewed slide #19 (Recommendation and 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. Burgess said staff recommends approval of this request. He asked for questions from Commission members.

Ms. Williams clarified that Mr. Burgess said the property is within the new Social District, and he said yes.

Mr. McBrayer asked if there were any questions for Mr. Burgess from the audience, and there were none.

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

PROPONENTS

• **Gary Preston**, 152 North Main Street, Mooresville NC, addressed Commission members. His purpose here tonight was to answer any questions regarding their concept and what they plan to do. He brought a presentation with him, that he would be happy to share with the board, plus two letters of recommendation from the Town of Mooresville, regarding all the work they have done in their town.

There were no questions from members for Mr. Preston, or from the audience.

OPPONENTS

None

There were no additional speakers.

The public hearing was closed.

Mr. McBrayer asked for discussion on the Special Use Permit. Hearing none, he requested a motion to approve or deny the petition.

Bill Pekman moved, seconded by Philip Reed, to approve Special Use Permit (SUP) 22-01.

Ms. Williams asked if the motion was subject to the two conditions recommended by staff. Mr. McBrayer said yes, and Dr. Pekman agreed.

Mr. McBrayer said this was a quasi-judicial hearing and there would be a roll call vote, with members voting individually, and stating their reasons as to why they were voting for or against the petition.

Mr. Hunt voted to approve SUP 22-01, based on the staff report and review of criteria and that was presented.

Mr. Kerley voted to approve SUP 22-01, based on the report prepared and presented by the City of Hickory staff, and the criteria was met.

Dr. Pekman voted to approve Special Use Permit 22-01, which has been well vetted by Planning staff and meets all of the City's required criteria.

Mr. McBrayer voted to approve Special Use Permit 22-01, based on criteria 1-7 as stated in the staff report and the evidence presented here tonight.

Mr. Reed voted to approve Special Use Permit 22-01, based on the staff recommendation and evidence presented tonight.

Rev. Johnson voted to approve Special Use Permit 22-01, based on the presentation from staff and that it complies with the Land Development Code.

Ms. Williams voted to approve Special Use Permit 22-01, subject to the two conditions recommended by City staff, and based on the request meeting the requirements for a Special Use Permit.

Mr. Hedrick voted to approve Special Use Permit 22-01, based on it being consistent with Hickory by Choice 2030 and the Land Development Code, and the staff report presented here tonight.

The motion to approve carried unanimously. Mr. McBrayer said Special Use Permit 22-01 was granted.

Mr. McBrayer stated the Commission would now proceed with the four rezoning petitions on the agenda. He reminded everyone of the procedure for a public hearing. Members will hear from the proponents for 15 minutes total, followed by the opponents for 15 minutes. After their testimonies, there will be 5 minutes for rebuttal by each side, followed by discussion and voting by Commission members. He asked that everyone be respectful of the time and each other, while speaking. He advised that the members had no jurisdiction concerning roads, schools, storm water, property values, watershed, municipal water or sewer, development plans, etc. etc.

2. Rezoning Petition (RZ) 22-02.

Request by the City of Hickory for the rezoning of 47.40 acres of property located on Section House Road between 34th Street Place NE and Sipe Road, from R-1 Residential and R-20 Residential, to R-2 Residential. The subject property is further identified as PIN 3723-08-89-6240 on the Catawba County GIS map.

City Attorney Crone said Deputy City Attorney Arnita Dula was usually present for these hearings but could not attend tonight. He stated that he and his law firm have a conflict of interest regarding this year, due to work they have done for some of the property owners involved here. As such, he had asked Attorney Dan Christian to sit in for him during this hearing; he is a good lawyer and capable of taking over for him.

Mr. McBrayer excused Mr. Crone, and he left the meeting.

Mr. Christian told Mr. McBrayer and the Commission members he appreciated the opportunity to assist them.

Mr. McBrayer opened the public hearing for Rezoning Petition 22-02.

Planning Director **Brian Frazier** presented the Staff Report and referred to PowerPoint slides. He reviewed slide #31 (Rezoning Petition 22-02):

- **Property Owners:** Earl Errand Propst Heirs
- **Applicant:** City of Hickory
- **Location:** Section House Road between 34th Street Place NE and Sipe Road.
- **Current Zoning:** R-1 (Hickory) and R-20 (Catawba County)
- **Property Size:** 47.40 acres
- **Background:** The property is zoned R-1 by Hickory and R-20 by Catawba County and was **recently annexed** into the City of Hickory. The annexation and current rezoning request are intended to provide an area for future residential uses.
- **Request:** At the request of the property owners, the City of Hickory is requesting to rezone the property to R-2 residential to facilitate the construction of a future residential subdivision.

Mr. Frazier noted the City of Hickory was the applicant for this rezoning, because annexation was headed to Council. Staff expects a single-family market rate subdivision to be constructed on the property some point in the future.

He reviewed slide #32 (Map 1. Hickory by Choice 2030). He pointed out various areas on the map, including Neighborhood Mixed Use and Commercial Corridor, High Density Residential, and Low Density Residential. He noted the subject property, hashed in red, within the Medium Density Residential area.

Mr. Frazier reviewed slide #33 (Map 2. Current Zoning), saying the subject property is currently split-zoned. He pointed out Springs Road NE, Section House Road, and Sipe Road on the map, noting the area of Catawba County R-20 zoning, and the Hickory CC-2, NC along Springs Road, and R-1 zoning areas. The front portion of the property lies along Section House Road and is zoned Hickory R-1, with the remainder of the property zoned Catawba County R-20. The applicant proposes to combine the entire property as R-2 Residential zoning.

Mr. Frazier reviewed slide #34 (Map 3. Aerial Photography). He pointed out Springs Road NE, Section House Road, and Sipe Road going east toward Conover on the aerial photograph.

Mr. Frazier reviewed slide #35 (Examples of R-1 Permitted Uses).

- Examples of R-1 Permitted Uses:
 - Duplexes
 - Single Family Homes
 - Mobile Homes
 - Mobile Home Parks
 - Family Care Homes
 - Agriculture

He said the front part of the property is currently zoned Hickory R-1. These are the allowed uses, to name a few.

Mr. Frazier reviewed slide #36 (Examples of R-2 Permitted Uses).

- Examples of R-2 Permitted Uses:
 - Single Family Homes (Detached)
 - Family Care Homes
 - Accessory Dwelling Units
 - Religious Institutions
 - Schools

He said the applicant is seeking the R-2 zoning for this entire property.

Mr. Frazier reviewed slide #37 (Rezoning Petition 22-02).

- The property is zoned R-1 and R-20 Residential and is vacant.
- The general area is classified **Medium Density Residential** by the Hickory by Choice 2030 Comprehensive Plan.
- The Hickory by Choice 2030 Comprehensive Plan states the following about Medium Density Residential areas: "... will expand the existing single-family housing characteristic in the city and provide a medium density housing option, where the gross density would be approximately 6 to 8 units per acre"
- The R-2 zoning district is listed as the implementing zoning district for the Medium-Density Residential classification. The R-2 district permits density up to, but not more than, four (4) units per acre, which is compatible with the language found in the Hickory by Choice 2030 Comprehensive Plan.
- Given these factors, the rezoning of the property to R-2 is **consistent** with the findings and recommendations of the Hickory by Choice (2030) comprehensive Plan.

Mr. Frazier reviewed slide #38 (Findings and Recommendation).

- **Findings and Recommendation**

Staff finds Rezoning Petition 22-02 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.

Mr. Frazier said staff recommends approval of this request.

The rezoning petition will go to City Council for their public hearing next month. Mr. Frazier noted staff had received a few phone calls regarding the rezoning, and one e-mail stating an objection to the proposed zoning change. The e-mail was distributed to members prior to the meeting and will be attached to the electronic meeting record.

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

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

Mr. McBrayer said the proponents would speak first, followed by the opponents, and each side would have 15 total minutes for their remarks.

PROPONENTS

• **John R. McCormick**, 115 Ashmore Circle, Troutman NC, addressed Commission members, saying they are a residential developer and a family-owned organization. He and his wife became aware of this property, and they walked the property. It is an excellent property for a single-family development, and the water/sewer is good.

Mr. McCormick asked if there were any questions from the members, and there were none.

• **Tamara Coley**, 1632 4th Street NW, Hickory NC, addressed Commission members, saying she was attending the hearing as one of the heirs. The family group that owns the property originally consisted of five children. There is one remaining aunt is in her nineties, who has medical needs and requires home care.

Ms. Coley said it was time for them to sell the property and settle the estate, noting that she is one of the younger members of the family. They now have an opportunity, and she believes it will be a good use of the property. They did not see the need to look into developing the property as some of the other allowed uses, and think it is better suited for a residential development, such as Mr. McCormick is planning.

Again, Ms. Coley said she was present as one of the heirs and others were also attending if members would like to hear further from the family. She said she would not elaborate on the property rights of individuals, or the need for family members to do what is needed to take care of their family members, as long as it is in accordance with benefiting the community. Ms. Coley said they think this is the use that would be proper for this property.

There were no questions for Ms. Coley, and no additional proponents.

OPPONENTS

• **Teresa Warlick Biggs**, 4754 Salisbury Street, Hickory NC, addressed Commission members, saying she was speaking in opposition, somewhat. She and her brother Greg Warlick inherited land held by their family since the 1860s, and they are the fifth generation. Their land is undeveloped and located right beside this other land (the subject property). She disagrees somewhat with the Hickory by Choice 2030 Plan, which talks about transition to rural areas, with goals to support land uses complimentary to the surrounding uses, and another goal providing balance between development and open space, and that the 2030 Plan wants to preserve residential character.

Ms. Biggs said that after receiving a letter in the mail, she had the opportunity to call the city office regarding the plans for these 47-acres and spoke with Hickory staff person Burgess. At that time, he told her there were not any plans, until they could get the engineering. So of course, this had caused some of them concerns about

transparency on plans that would affect and impact their community for the rest of their lives in the St. Stephens community, because many of them who are on the surrounding lands have been there since birth. She said it had already been covered that the Commission cannot do anything about the infrastructure, so their concerns would be specific about the lack of open spaces, increasing woodlands, which directly affects wildlife and clean air, and environmental and ecological issues, including erosion and hazardous waste on their land and in their creeks.

Ms. Biggs said their property already receives a lot of runoff from Springs Road, and they think this development will just create more. She said they had not heard anything here about buffers or setbacks, and, of course, they are very much concerned about infrastructure; the road congestion, the public-school capacity, all of those things that were named, and that she would not list them again.

Ms. Biggs said there had been numerous R-2 rezoning requests in the St. Stephens community, and she apologized for not knowing this land had already been annexed into the city. She said many of them have discussed where do they draw the line, saying that some of the property owners around this (subject) property already have routes in Conover, as their addresses. With respect to the Commission, she understands the need for economic impact, and she also understands the ETJ, or extra territorial jurisdiction. However, she asked members to put themselves in their place and in their position as landowners who have very valid concerns about this situation and the transparency of what is going on with this. With all these new developments, she has grave concerns about the infrastructure – where do we draw the line? Thank you.

There were no additional questions for Ms. Biggs.

• **Burr W. Stoker**, 2228 Hounds Way, Hickory NC, addressed Commission members, saying his house is located so close to this property that he could throw a baseball on it and from his backyard, so he is concerned about what is going to be developed there.

Mr. Stoker said his main concern is the safety of traffic. It seems to him that Section House Road is a main bypass around Hickory to get to the factories in Conover, and from 6:30 to 8:00 in the morning, it is like A.J. Foyt land, and then the same thing happens between 3:30 and 6:00 in the evening; you do not enter the Section House Road traffic, you wait until the traffic clears. He is concerned about the safety and is concerned whether the developer has considered a by-pass, or a lane for a left-hand turn and a right-hand turn, to make sure the traffic continues to pull. When a school bus stops on that road, traffic is backed up for a half-mile. Just down the street from him is Sipe Road; he has only lived here 6 years, but they have seen six major accidents on that corner, and that is a small left-hand turn.

Mr. Stoker cannot imagine what is going to happen when you throw all of these cars from this development onto that road, early in the morning and late afternoons. He does not believe a traffic light will do the job; he thinks they need a by-pass, another lane, to make sure the traffic is flowing correctly. If not, he is sure he will hear the crashes from his house and you are going to need a lot of body bags, because they are going to be serious. The speed limit on that road is 45, but he has seen them going at least 60 in the morning, and 60 in the evening. They are thinking about getting home, they are thinking about going to work, and their mind is not on their driving.

Mr. Stoker said he is not against progress, but he is concerned what is going to happen on that road. And now, you will have extra loads on the fire department and EMTs, and he is concerned about that – are they going to be able to cover all of this. His main concern is safety and thank you.

There were no questions for Mr. Stoker.

• **Elizabeth Stoker**, 2228 Hounds Way, Hickory NC, signed up to speak but declined.

• **Michael Deal**, 4027 Arrowhead Drive NE, Hickory NC, addressed Commission members. He said God bless these people who want to sell their property, but that is not about this – this is about traffic and congestion. You want to increase the density of housing in that region, but the roads cannot sustain that. He has lived in cities where they have widened the roads; people know how the DOT works, so that is not very successful either sometimes. He would like to see larger tracts of property with single-family homes; no condos, no duplexes, and no apartments, or things like that. He thinks that way, if it were like, 10- or 20-acres developed, versus 47-acres, you would have a more sustainable amount and lower number of cars. The average home has two or three cars, so do the math. Mr. Deal does not see any prospect for a right-of-way from the property directly to Springs Road, so all of the traffic is going to go out onto Section House Road. He thinks this needs to be strongly considered before anyone builds there at that density.

There were no questions for Mr. Deal.

- **Jill B. Peek**, 2218 Hounds Way, Hickory NC, signed up but declined.
- **Terry Peek**, 2218 Hounds Way, Hickory NC, signed up but declined.

Mr. McBrayer asked if there were any others present speaking in opposition, and there were none. He said there would now be time for rebuttal.

The proponents were provided 5 minutes for rebuttal.

PROPOSERS – REBUTTAL

Mr. McBrayer asked if any one in favor of the petition wanted to present rebuttal to the testimony.

Mr. Kerley requested the opportunity to ask Mr. McCormick, the applicant, a question.

Mr. McCormick returned to the podium. Mr. Kerley said he had discussed developing lots, and what style house and price points was he considering. Mr. McCormick said he could not address price points today, with the crazy business he is in, but they are looking to build starter homes, ranch homes, which is what they do basically. They like to build family-oriented homes, which they always call beginners-and-enders. It seems like their customers are people who buy at the beginning, as they are starting out, and when they are ending up. They like to build ranch homes, which has worked out well for that market.

Regarding the safety issues, Mr. McCormick said the engineers would address that, and also the State (DOT), and they will meet or exceed what is required on the regulations for this development. He said all the rules and regulations would actually help the situation, rather than hurt. Mr. McCormick said the development would also create a tremendous amount of tax revenue.

There were no further questions for Mr. McCormick.

There were no additional questions for, or further comments from, the proponents.

The opponents were provided 5 minutes for rebuttal.

OPPOSERS – SURREBUTTAL

Mr. McBrayer asked if anyone opposed to the petition wanted to present rebuttal.

Ms. Biggs asked if she could ask the developer a question during this time, specifically about the buffers, setbacks, and such. Mr. McBrayer said no, and again, that is not in the members' purview. He suggested she speak with him after the hearing or meet with him at a future time.

There were no additional questions for, or further comments from, the opponents.

The Public Hearing was closed.

Mr. McBrayer asked if there was any discussion by members.

Mr. Kerley asked to make a few comments, saying that he lives in Hunters Chase and is a neighbor of some of the speakers here. He pointed out his home on the map, saying he also lives on Hounds Way. He grew up in Random Woods and lived in Maybrook, so he has always lived within a stone's throw of Section House Road. He has concerns as well, but said this zoning is probably the best one available, versus other opportunities.

Mr. Kerley lived in Maybrook, which was opposed when it was built, and Hunters Chase was opposed when it was built. The people who live in Hunters Chase think they live in a nice neighborhood, and he also lives there. They raised two children there; both went to St. Stephens High School, and so did he. It was a great place to raise a family, and he thinks other people should have the chance to grow up in this community. Granted, Section House Road is tough, he agrees; he turns left on it every day, but it is not up to this Commission to tell the neighbors what DOT is going to do. This will go before a subdivision review if it is developed, so they will have to meet all the criteria, like the buffers, and turn lanes will be reviewed. He said if neighbors think the traffic is bad now, they should have seen it before McDonald Parkway was built.

As to the questions on safety, Mr. Kerley said it would be closer to Springs Road, so people will not be able to reach the same speeds as down on Sipe Road; it will be a slower pace. So, the R-2 residential zoning is as good as the community could hope for. Unfortunately, when large properties are sold, they are developed; it just happens. He said he hopes this eases some of their pain, at least a little bit.

There was no further discussion by members.

Sam Hunt moved, seconded by Anne Williams, to send City Council a recommendation of approval for Rezoning Petition 22-02. The motion carried unanimously.

Mr. McBrayer thanked Dan Christian for sitting in during the hearing. City Attorney Crone returned to the meeting.

3. Rezoning Petition (RZ) 22-04.

Request by Startown Holdings, LLC and REC Group, LLC for the rezoning of approximately 9-acres of property located on Startown Road between Short Road and Robinwood Road, from R-20 Residential to Planned Development (PD). The subject property is further identified as PINs 3711-16-94-6567 and 3721-16-94-9674 on the Catawba County GIS maps.

Mr. McBrayer opened the public hearing for Rezoning Petition 22-04.

Brian Burgess presented the Staff Report and referred to PowerPoint slides. He reviewed slide #40 (Rezoning Petition 22-04):

- **Property Owners:** Startown Holdings, LLC, and REC Group, LLC
- **Applicant:** Eric Yeagain
- **Location:** Startown Road, between Short Road and Robinwood Rd.
- **Current Zoning:** R-20 (Catawba County)
- **Property Size:** Approximately 31.09 acres, 8.88 of which would be PD.
- **Background:** The property is zoned R-20 by Catawba County and is in the process of being annexed into the City of Hickory. The rezoning request is intended to provide an area for future residential uses.
- **Request:** The property owner has requested to rezone the property to Planned Development to facilitate the construction of 168 multi-family units and 36 accompanying garages.

He said this was part of a PD the Commission approved approximately 1 year ago and would be similar to an expansion.

Mr. Burgess reviewed slide #41 (Map, Future Land Use), saying you have high-density residential, right next to low-density residential, and they are straddling that line. Fortunately for the sake of the application, the density they are proposing turns into Medium-Density.

Mr. Burgess reviewed slide #42 (Map, Subject Area Zoning). He noted the PD, shaded gray, where development is already taking place. They were approved for a higher density, a few years ago, than what they ended up developing. He did not know the full history of it but does know there were some considerations on the construction that required them to change their site plan a bit. So, some of that density is being moved down there (noting the area adjacent to the PD).

Mr. Burgess reviewed slide #43 (Map, Aerial of Subject Area). On the aerial photography, he pointed out the nearby apartments and area of mixed-use, commercial in the front and apartments in back.

Dr. Pekman asked what the open land between the apartments and commercial, and the subject property was going to be. Mr. Burgess said that is also part of the Planned Development. The applicant is here tonight, and he could clarify this, but Mr. Burgess thinks that area is part of the initial phase. He noted the aerial photograph was made in late 2020 and was not up to date.

Mr. Burgess reviewed slide #44 (Rezoning 22-04).

- The property is zoned R-20 Residential and is vacant.
- The vicinity in which the subject properties are located is classified as both low and high density residential by the Hickory by Choice 2030 Comprehensive Plan. The low and high residential future land use classification is discussed on pages 3.8 and 3.9 of the comprehensive plan. In summary, these classifications consist of areas found to be suitable for varied levels of residential development.
- The PD zoning district is not listed as the implementing zoning district for the Low- or High-Density Residential classification, as **each PD is considered on a case-by-case basis**. The proposed project would result in a density of roughly **11 units per acre, which is the exact average between low and high-density classification in the Comprehensive Plan**.
- Given these factors, the rezoning of the property to PD is **consistent** with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.

He emphasized that members consider a PD each time one is presented, on a case-by-case basis.

Mr. Burgess reviewed slide #45 (Findings and Recommendation).

- **Findings and Recommendation**
 - Staff finds Rezoning Petition 22-04 to be **reasonable and consistent** with the Hickory by Choice 2030 Comprehensive Plan. Given these findings the following is recommended:
 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.

Mr. Burgess said staff recommends approval of this request. He asked for questions from Commission members, and there were none.

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

PROponents

• **Eric Yeargain**, 898 38th Avenue NE, Hickory NC, addressed Commission members, saying he was mainly here to answer questions and affirm some of the key points. The density that was previously approved by this Commission several years ago, for the overall Planned Development, was greater than what they are executing there right now. He said half of this project had been developed; they have already constructed 172 units and seek to build an additional 168 on the other side, if you will, and are now bringing in those two subject parcels on the south end. Ultimately, this yields an increase in open space, and a reduction of the density approved for the original Planned Development.

Dr. Pekman asked how residents would access their apartments. Returning the aerial photo to the screen, Mr. Yeargain pointed out the primary access off Startown Road and secondary access from Short Road. He said the primary flow from Startown would turn left into the project, to access what will be phase 2.

There were no additional questions for Mr. Yeargain, and no additional proponents.

OPPONENTS

None

The Public Hearing was closed.

Mr. McBrayer asked if there was any further discussion by members, and there was none. He asked for a motion to approve or deny the petition.

Bill Pekman moved, seconded by Wallace Johnson, to approve Rezoning Petition 22-04. By a show of hands, the motion carried unanimously.

4. Rezoning Petition (RZ) 22-05.

Request by Gary Greene for the rezoning of approximately 13.7 acres of property located at near the southwest corner of Cloninger Mill Road and 16th Street NE, from R-2 Residential to R-3 Residential. The subject properties are further identified as PINs 3714-12-96-0319 and 3714-12-86-6394 on the Catawba County GIS maps.

Mr. McBrayer opened the public hearing for Rezoning Petition 22-05.

Brian Frazier presented the Staff Report and referred to PowerPoint slides. He reviewed slide #47 (Rezoning Petition 22-05):

- **Property Owners:** Gary Stephen Greene
- **Applicant:** Eric Yeargain
- **Location:** Near the SW corner of Cloninger Mill Road and 16th Street NE
- **Current Zoning:** R-2 Residential
- **Property Size:** +/- 13.7 acres
- **Background:** The property is zoned R-2 Residential and current rezoning request is intended to provide an area for future residential development.
- **Request:** The property owner, through their authorized agent, requests rezoning of the property from R-2 Residential to R-3 Residential.

Mr. Frazier reviewed slide #48 (Examples of R-2 Permitted Uses):

- Examples of R-2 Permitted Uses:
 - Single Family Homes (Detached)
 - Family Care Homes
 - Accessory Dwelling Units
 - Religious Institutions

- Schools

Mr. Frazier reviewed slide #49 (Examples of R-3 Permitted Uses):

- Examples of R-3 Permitted Uses:
 - Single Family Homes (Detached)
 - Multi-Family Structures
 - Family Care Homes
 - Accessory Dwelling Units
 - Religious Institutions
 - Schools

He said these are just some of the permitted uses under R-3 zoning.

Mr. Frazier reviewed slide #50 (Map 1. Hickory by Choice 2020), saying the subject area was hashed in red, in an area of Medium Density zoning. He said this is a only portion of the property controlled by the Greene family, noting other adjacent parcels. He said Sandy Ridge Baptist Church was located directly across Sandy Ridge Road (16th Street NE). The intersection is Neighborhood Mixed Use, and a gas station is located directly by the intersection.

Mr. Frazier reviewed slide #51 (Map 2. Current Zoning), saying the area around the intersection is NC, or Neighborhood Commercial, shared pink. The subject area is zoned R-2, with R-1 on the opposite side of 16th Street NE (Sandy Ridge Road).

Mr. Frazier reviewed slide #52 (Map 3. 2021 Aerial Photography), saying the subject property is hashed in red, and the property is undeveloped. He pointed out the roads intersecting nearby – Cloninger Mill, Kool Park, and 16th Street NE.

Mr. Frazier reviewed slide #53 (Rezoning Petition 22-05).

- The property is zoned R-2 Residential and is vacant.
- The general area is classified **Medium Density Residential** by the Hickory by Choice 2030 Comprehensive Plan.
- The Hickory by Choice 2030 Comprehensive Plan states the following about Medium Density Residential areas: "... will expand the existing single-family housing characteristic in the city and provide a medium density housing option where the gross density would be approximately 6 to 8 units per acre"
- The R-3 zoning district is listed as the implementing zoning district for the Medium-Density Residential classification. The R-3 district permits density up to, but not more than, eight (8) units per acre for single-family residential and ten (10) units per acre for multi-family, which is compatible with the language found with the Hickory by Choice 2030 Comprehensive Plan.
- Given these factors, the rezoning of the property to R-3 is **consistent** with the findings and recommendations of the Hickory by Choice (2030) Comprehensive Plan.

Mr. Frazier reviewed slide #54 (Findings and Recommendation).

- **Findings and Recommendation**

Staff finds Rezoning Petition 22-05 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.

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

Mr. Kerley asked if there would be access through 38th (Avenue Drive NE), or only off Sandy Ridge (Road). Mr. Frazier said his understanding is there would be access from Cloninger Mill and Sandy Ridge, and there will be no access to the south (pointing to 14th Street NE, off 38th Avenue Drive NE). He noted a few homes were located on 14th Street NE, saying there is no plan to bring any traffic down 14th to 38th from Sandy Ridge.

Dr. Pekman said the commercial area is at the intersection. Mr. Frazier said yes, it is zoned NC, and there had been some people looking at the property.

There were no additional questions for staff.

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

PROPONENTS

• **Eric Yeargain**, 898 38th Avenue NE, Hickory NC, addressed Commission members, saying he wanted to clarify a couple of points that could be confusing. Slide #51 (Map 2. Current Zoning) was returned to the screen. He said that while he was appearing before the members as an authorized agent of the property owner, they also have a position on the purchase of this (adjacent) NC. This particular NC property, owned by the same family, is being purchased together with this, so, this entire area is contemplated for residential development, just in the interest of transparency. He said they do not seek to rezone this NC because, by current zoning right, Neighborhood Commercial allows for some residential development, such that they will comply with, and he thought it was important to point this out.

He said someone had asked about the access. As things are planned right now, he believes there would be both a right- and left-hand turn lane out of the development, and full access elsewhere. He said it was important to point out that they would not actually be the developers of this land, so that could be subject to change, but this is what has been discussed.

Dr. Pekman asked if they also own those lots on 16th Street that are zoned R-2. Mr. Yeargain said no, they do not own any of it yet; it is under contract. He pointed out exactly what is being contemplated for residential development. Dr. Pekman said they do not plan to purchase the ones just outside the boundary. Mr. Yeargain said no they have no plans to purchase those; they have not attempted to and have no designs to.

There were no further questions for Mr. Yeargain, and no additional proponents.

OPPONENTS

• **Pam Freeman**, 3620 14th Street NE, Hickory NC, addressed Commission members. She asked if this would be in the city limits, pointing to her 1-acre property on the zoning map, near the corner of 14th Street and 38th Avenue Drive NE. She said as it is now, when it rains hard, as it has many times and these hard downpours will continue to happen, her land is at the lowest point along there. There is an underground spring, which feeds the creek running through there, and it starts on her property.

Ms. Freeman asked if there was a drawing of where they plan to build the units, and Mr. McBrayer said no. She again asked if the development would be in the city limits, and would the streets have storm drains, because if not, then all that water would run down the asphalt and onto her property, which is the lowest point. She brought 12 photos with her, which were shared with members, saying the photos show the water flooding across the lower area of her property, 2-hours after the rain had started. Her photos were taken on November 12, 2020. She said that when Hickory had that big flood in June 2019, a little bit of rainwater had come into her home. The house was built in 1967; her parents bought it in 1970, and she is currently living there.

Mr. McBrayer clarified that the Commission has no purview over Ms. Freeman's concerns due to extreme rain or flooding. However, he assured her that if this rezoning passes, that any proposed development must then go

through a complete review by the appropriate City, County, and State personnel, all of the individuals who are professionally trained to deal with exactly what Ms. Freeman is concerned about here. She asked if the flooding would be addressed then. Mr. McBrayer said he was sure it would be (as Mr. Frazier nodded in agreement), saying that all the storm water, sewer, traffic, etc., assuming this passes, it would all be addressed at that point.

Ms. Freeman mentioned the underground spring again, which starts that creek (pointing to the zoning map), is at the lower end of that property with a culvert going underneath the road, with a fairly good-sized creek bed on the other side. However, she does not have the luxury of that water going into the creek; it comes directly onto her lower property area and spreads out. She said three of the photos show where the water comes out from underground, floods underneath the end of the road (14th Street NE), and into the creek. Again, the photos were taken 2-hours after the rain, and the water is rushing. And the photos that look blurry look that way because the water was moving so fast.

Mr. McBrayer again assured her that, if the rezoning passes, before anything is moved or built there, it must go before all the professional staff, and must meet all the appropriate codes and regulations. Further, in the long run, he expects the development could end up helping with the problems she is currently experiencing.

Ms. Freeman said she knew this had nothing to do with the Commission, but the neighbors were told these would be luxury townhomes, and they would like to see the drawings. She understands they want to increase it from four residential dwellings per acre, to eight. She asked if eight was correct for it (R-3) and Mr. McBrayer said six to eight. But as he advised someone during an earlier hearing tonight, he was certain the applicant would discuss this with her and any other neighbors. She said they received a letter in the mail. He said everyone within 500-feet received a letter, which is actually double the amount required by law, so the city has gone above-and-beyond in notifying neighbors. But to her point, the Commission's only involvement is to consider whether it should be rezoned as recommended, or not. He understands what she is saying, but if it is rezoned it then must go through all the appropriate reviews, and again, he expects she would come out ahead on her current rainwater issues. She said that in all the 55 years since it was built, the only time a little water came into the house was in June 2019, when Hickory had that big flood. She said a small tree came down and helped to funnel water in that direction. She said there is water management near her, to the north, but there is none on her land.

Ms. Freeman said these changes to the land would also hurt the wildlife. Just two days ago a 6-point deer had been grazing nearby; she also saw the doe and two fawns, along with a red fox. They do not want to see all these animals disappear. Mr. Frazier had said that 14th Street would not be the access point.

Ms. Freeman said those were her points, and of course, her biggest concern is that her house will flood every time they get any kind of rain; it does not even have to be a 50-year flood, like the one in 2019. Thank you.

There were no questions for Ms. Freeman.

Ms. Freeman's (12) photos were presented to the clerk and entered into the record as Exhibit B.

• **Julie Barker**, 3621 14th Street NE, Hickory NC, signed up to speak but declined.

• **Daniel Caldwell**, 3621 14th Street NE, Hickory NC, addressed Commission members. One of his main concerns is, granted there are houses around there, and they want to increase the number of units. Their area is, basically, a smaller house type of development. He would like to see larger homes built, not the "bird houses" that are starting to pop up everywhere, that are skinny and kind of long. Truthfully, if they build up the entire area and fill everything in, it is just going to create havoc. He knows they said they were not going to use 14th Street NE, but he expects they are probably going to bring equipment and supplies through there, because 16th Street is small, too. Their road (14th) is narrow, and even the garbage truck has problems. They have kids, and their neighbors do, too. If they put all these units in there, plus the pipes and sewage, irrigation, and such, and he

knows these members could not do much about that, but the main thing is he thinks it needs to be a low number of units. The ones closer to Cloninger Mill Road could possibly be larger; there are not any houses around that area. He would prefer they build larger units. Thank you.

There were no questions for Mr. Caldwell.

Mr. McBrayer said if there were no additional speakers, there would now be time for rebuttal.

The proponents were provided 5 minutes for rebuttal.

PROponents – REBUTTAL

Mr. McBrayer asked if Mr. Yeagain wanted to present rebuttal to the testimony.

Mr. Yeagain thanked Ms. Freeman and Mr. Caldwell for their comments. He said Mr. McBrayer already noted that it was beyond the purview of the Commission to address storm water, but he believed there was an opportunity here to respond to Ms. Freeman's concerns, saying she is primarily concerned about all the runoff. He pointed out a jurisdictional creek on the zoning map, noting it is not represented on the map, but everything along there has a very severe topography, a 15-20 % downhill grade, so the water flows in sheets through there. What the developer plans to do through is to fix, not exacerbate, that problem. With the construction of a significant storm water pond on the property, which is logical, all the water that is creating problems for them by sheet-flowing down the hill will be captured. So, this problem goes away; the development does not exacerbate it, and he thought that was important to point out. Thank you.

There were no questions for, or further comments from, the proponent.

The opponents were provided 5 minutes for rebuttal.

OPponents – SURREBUTTAL

Mr. McBrayer asked if anyone opposed to the petition wanted to present rebuttal.

A member of the audience who did not speak earlier requested to speak. If the Commission chooses to allow new testimony, Mr. Crone advised that members need to vote to allow anyone else to speak, because the time limit was up. An additional 5 minutes of time should be added to each side.

Jeff Kerley moved, seconded by Anne Williams, to extend the time and allow additional testimony. The motion carried unanimously.

• **Brian Guthrie**, Hickory NC, addressed Commission members, saying he was speaking on behalf of his mother, Judy Guthrie, who lives at 3633 16th Street NE, right on the border of this development property. Dr. Pekman asked him to point out Ms. Guthrie's property on the map. Noting the location, Dr. Pekman said her home lot was on 16th Street NE, right beside the development's access point.

Mr. Guthrie said bringing in a multi-family project here totally changes this whole area of single-family homes. It is not like this is (going in) on Springs Road, where there is more development; the homes in this area are all single-family homes. He said there is only one way in here, this is the church (pointing to the map) and this is the gas station. It is not a largely developed area. He said his family's concern is, what is it going to do to the property value of that whole area adjacent to it? He asked members to take that into consideration before they move forward, because once they get the ball rolling, it may not stop. Thank you.

There were no further comments from the opponents.

The Public Hearing was closed.

Mr. McBrayer opened the discussion by members, and there was none. He asked for a motion to approve or deny the petition.

Jeff Kerley moved, seconded by Bill Pekman, to approve Rezoning Petition 22-05. By a show of hands, the motion carried unanimously.

Mr. McBrayer announced there would be a 5-minute recess prior to the final public hearing. Following the recess, he reconvened the meeting and opened the public hearing for Rezoning Petition 22-03.

5. Rezoning Petition (RZ) 22-03.

Request by Lat Purser & Associates, Inc., agent for The Horse Barn, LLC for the rezoning of approximately 19.5-acres of property located at 4331 and 4405 North Center Street, from R-2 Residential to Planned Development (PD). The property is further identified as PIN 3715-18-30-6570 on the Catawba County GIS maps.

Mr. McBrayer opened the public hearing for Rezoning Petition 22-03.

Brian Frazier presented the Staff Report and referred to PowerPoint slides. He reviewed slide #56 (Rezoning Petition 22-03):

- **Property Owners:** The Horse Barn, LLC
- **Applicant:** Lat Purser & Associates, Inc,
- **Location:** 4331 and 4405 North Center Street, or Hwy. 127 North
- **Current Zoning:** R-2 Residential
- **Property Size:** +/- 19.424 acres
- **Background:** The subject property is currently zoned R-2 Residential and is 19.424-acres in total size. The most recent use of the property has been animal husbandry. The current zoning district permits residential uses at a density of four (4) dwelling units per acre.
- **Request:** The property owner, through their authorized agent, requests rezoning of the property from the existing R-2 Residential, to Planned Development (PD).

He said the applicants were present tonight.

Mr. Frazier reviewed slide #57 (RZ 22-03, Examples of R-2 Permitted Uses).

- **Examples of R-2 Permitted Uses:**
 - Single Family Homes (Detached)
 - Family Care Homes
 - Accessory Dwelling Units
 - Religious Institutions
 - Schools

He said this was a small sampling of the R-2 permitted uses.

Mr. Frazier reviewed slide #58 (RZ 22-03, Examples of PD Permitted Uses).

- **Example of PD Permitted Uses:**
 - PDs are approved on a case-by-case basis and are strictly tied to the site plans submitted for approval. No uses beyond what have been approved will be allowed.

Mr. Frazier reviewed slide #59 (Architect's Sketch Plan), saying Mr. Purser would speak to their plan more specifically, and this was, he believed, the second rendition of their proposed plan.

He noted the Moore’s Ferry development to the west, and single-family townhomes that were built more recently. On the sketch, he noted the BMPs (best management practices), which include three water retention basins spread across the property, the areas of open space, the amenities, the barn and silo, and areas of mixed residential units. He pointed out 42nd Avenue and North Center Street, better known as NC Highway 127 North.

Mr. Frazier said he understands this plan has been revised, after two meetings with the neighbors, held at the SALT Block. He also knows that the applicant has met with some of the citizens personally, and the council member in their ward.

Mr. Frazier reviewed slide #60 (Architectural Precedent Imagery), saying these are some of the architectural sketches, designs that are proposed for the subject property. He said the applicants could go into more detail regarding these.

Mr. Frazier reviewed slide #61 (Proposed Development Intensity).

Proposed Development Intensity		
Building Type	Unit Type	Unit Count
Multi-Family (Apartments)	1 Bedroom	99
Multi-Family (Apartments)	2 Bedroom	39
Townhomes	2 or 3 Bedroom	37
Townhome Duets	2 Bedroom	16
Cottages	1, 2 and 3 Bedroom	19
Total Proposed Units		210

He said the chart showed the proposed development density for the rezoning petition. This rendition has multi-family apartments, with 99 1-bedroom and 39 2-bedroom. In terms of townhomes, as to unit counts, there would be 37 units with 2 or 3 bedrooms; there would be 16 townhome duets with 2 bedrooms, which are side-by-side units; and the cottages would be 1, 2, and 3 bedrooms, a total of 19. The total proposed unit count is 210, which he believed has been lowered by a few dozen units, something else the applicants could address.

Mr. Frazier reviewed slide #62 (Map 1. Hickory by Choice 2030 Comprehensive Plan), saying the future land use map shows the zoning area in question, of 19.5 acres of property known as The Horse Barn. He pointed out Highway 127 North (North Center Street), the river, and off to the right is Bruce Meisner Park (shaded in green), which is being developed on Cloninger Mill Road. He pointed out the Neighborhood Mixed Use area (shaded in pink) to be developed where the Honey-Pik, gas station, pizza and office space are, as other office and commercial uses.

Mr. Frazier noted Moore’s Ferry proper, and a Public/Institutional area shaded blue, where the Wastewater Treatment Plant is located, with Medium Density Residential shaded gold, adjacent to the south, as well as the Low Density Residential shaded yellow, which includes the property in question and the various phases of the Moore’s Ferry development.

Mr. Frazier reviewed slide #63 (Map 2. Current Zoning), saying the subject property was zoned R-2 and hashed in red. Adjacent zonings are Neighborhood Commercial (NC) shaded in pink, R-1, which is the lowest density in the city, and the R-2. There is a PD (Planned Development) with townhomes, directly across North Center Street; and land nearby, proposed to be rezoned as a Planned Development, which would also need to be annexed into the city, because right now it is in the ETJ, as members were probably aware.

Mr. Frazier reviewed slide #64 (Map 3. Aerial Photography), noting members could clearly see the lake and a couple of coves, and the Moore's Ferry property. He pointed out the Moore's Ferry Clubhouse, where a meeting was held with two dozen people a couple weeks ago, including the applicants, Councilwoman Charlotte Williams, the City Manager, Assistant City Manager Rick Beasley, and himself. Highway 127, or Center Street, can clearly be seen, as well as Cloninger Mill Road and Bruce Meisner Park, with Falling Creek going down into the cove.

Mr. Frazier reviewed slides #65-68 (Rezoning Petition 22-03 Review).

- The general area is classified **Low Density Residential** by the Hickory by Choice 2030 Comprehensive Plan.
- The Hickory by Choice 2030 Comprehensive Plan states the following about Low Density Residential areas: "this classification is intended to provide an area of **transition between higher density housing and the surrounding area** by offering development at two (2) to four (4) units per acre, (HBC 2030, Pg. 3.9)."
- The proposed planned development is **designed at a density of +/- 10 units per acre**, which is higher than the densities recommended by the City's Comprehensive plan, during its most recent 2020 update.
- The Hickory by Choice 2030 Comprehensive Plan is intended to be a **dynamic document**, ... and revised, as needed, over time. (HBC 2030, 12.2).
- The Hickory by Choice 2030 Comprehensive Plan has **not been significantly updated** during the past two (2) years, due to the COVID-19 pandemic and the substantial delay of obtainable 2020 US Census data, which we knew would include changes in demographic and development data.

Mr. Frazier said that, before this rendition was prepared, it was previously at more than a +/- 13 units per acre range but has been lowered to +/- 10 units per acre. He said the (HBC) Hickory by Choice 2030 Comprehensive Plan is not law – it is a living, breathing document, if you will, that regulates all the City's other master plans, such as the Land Development Code, Neighborhood Plans, etc. It is the City's blueprint for growth and development. The HBC Comprehensive Plan had not been significantly updated during the past two years.

This is Hickory's first true comprehensive plan, adopted by Council in 2010, and the Land Development Code was re-written in 2011. Staff has updated the Land Development Code and Comprehensive Plan faithfully, on an annual basis, and every five-years they have promised to do a major revision of the plan. They have done one, and were prepared to do a second, but COVID-19 came into being, and the census data, as well as everything else, was delayed. Again, due to the COVID pandemic there was a substantial delay in getting the census data; they knew there were going to be changes in population growth, demographic, and development data, it just came in late and at a slow pace; they do have most of it now.

Mr. Frazier said the census data indicates Hickory is growing, from just over 40,000 to 43,000. More housing is needed for the growing population. He continued:

- Our recent analysis of thus far received 2020 US Census data fully confirms our population and **workforce is growing at a significant rate**.
- There is a **clear and substantial need** for additional housing units of **varied forms** to accommodate the growing population and labor force.
- Given these factors, the rezoning of the property to Planned Development (PD) should be considered **consistent with the findings and recommendations** of 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 residential area** with residential densities between two (2) and four (4) units per acre.
- The Plan proposes to reserve 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 **City, County, State, and Federal development regulations**.

- Hickory by Choice 2020 (3.15.1.D) – “Employ strategic street tree planting to enhance and complement adjoining uses and **provide visual continuity along corridors** and within centers”.
- Hickory by Choice 2020 (3.15.1.F) – “Minimize the impacts of new development through **public amenities and landscaping**”.
- Hickory by Choice 2030 (3.15.2.F) – “Ensure **pedestrian scale routes** are preserved and developed between neighboring housing and commercial centers”.

Mr. Frazier said Hickory by Choice 2020 (3.15.1.D) was addressing the Neighborhood Center at the intersection of Highway 127 North and Cloninger Mill Road, as well as along Highway 127 from south to north. He continued:

- 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 (NC 127)**, as well as **water and sewer infrastructure** (it will, upon future annexation). Staff also verified that all other **public services were available** and would not be diminished with the future development of the subject property.
- Regulate the type and intensity of development; and
- The current land use pattern of the larger area primarily consists of **single-family dwellings**.
- Hickory by Choice 2030 (5.18.4.G) – “Review roadway standards with NCDOT to ensure roadways **meet local, regional and state goals**”.
- Ensure protection from fire, flood and other dangers.
- Any future development occurring on the subject property will be required to **adhere to all federal, state, and local building, fire, stormwater, watershed, 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.

Mr. Frazier reviewed slides #69-71 (Rezoning Petition 22-03 Review Criteria).

- 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 largely of **single-family residences, both attached and detached**. The rezoning proposal **contains both uses**, but also **contains multi-family residential** (apartments) which are not currently present to any degree in the general vicinity.
- Hickory by Choice 2030 Housing Objectives (samples - paraphrased).
 - Promote **diversity and affordability** in housing types.
 - Accommodate a **diverse housing stock** to meet an increasingly diverse community.
 - Provide a variety of **housing options** to meet the needs of all residents of Hickory.
 - Unintended side effects of Hickory’s **inadequate housing options** within the city limits are numerous.
 - **Ensure compatibility** between single-family residential and higher density residential and non-residential land-uses.
 - Housing **options** for persons aging in place.
- The extent to which zoning will detrimentally affect properties within the general vicinity of the subject property:
 - The requested planned development zoning is both **similar and dissimilar** to the existing development in the vicinity. All proposed uses are **residential in nature**, but with **varying forms and density**.
 - **Public services** necessary to support the proposed development **are in place**. If the proposal is ultimately approved by City Council, any **deficiencies not previously identified will be upgraded** by the property developers in a manner satisfactory to the City of Hickory.

Mr. Frazier said this is not a mixed-use Planned Development, there is no commercial proposed, but with housing of varying forms and density. He continued:

- The extent to which the proposed amendment (zoning map) will cause public services, including roadways, storm water management, water and sewer, fire, and police protection to fall below acceptable levels.
 - Public resources to provide **critical public services are in place**, or will be improved upon, at the cost to the developer, to service the area. These services include **public utilities, transportation infrastructure, and police and fire protection**.
- 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 residential development**. The future use of the property is residential.
 - Any future development that occurs on the subject property, as the result of a zoning map amendment, will be required to be **adhere to all regulations related to zoning, building and fire code, traffic, stormwater, etc.**, which will work in conjunction between agencies to ensure that the health and safety of residents and visitors are properly protected.

He said all appropriate local, state, and federal agencies would work together.

Mr. Frazier reviewed slide #72 (RZ 22-03, Findings & Recommendation).

Findings and Recommendation

- Staff finds Rezoning Petition 22-03 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:
 - 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. Frazier asked for questions from Commission members, and there were none.

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

Before proceeding, Mr. McBrayer advised everyone attending that each Commission member had received all the letters and e-mail messages they sent to City staff. As Mr. Frazier received their letters, he forwarded them on to the members and they have read them. He wanted everyone to know that he appreciated their interest.

City Attorney John Crone requested the allotted time be kept, with 5-minute announcements made as the time expired. Mr. McBrayer kept the time and announced it.

PROPONENTS

• **Jack Levinson**, 4530 Park Road, Suite 410, Charlotte NC, addressed Commission members. He is with Lat Purser & Associates in Charlotte, and that Lat Purser was here, as well. He stated that in their allotted timeframe, he would make some remarks, and leave time for others who also want to speak in favor of the rezoning. Briefly, their firm LPA (Lat Purser & Associates) has been in Hickory for years. They developed the Preston Ridge multi-family and commercial project on Startown Road, across from CVCC, along with their local partner the Neills. That project’s commercial building includes CVCC’s hospitality school. They are also developing the adjacent project Hawks Ridge, which will have approximately 7,000 sq. ft. of office related space upon build-out. Also, they manage and lease One North Center in downtown Hickory, for the Loopers.

Mr. Levinson thanked Mr. Frazier for his overview of the project, saying it will have high quality design and characteristics, to be harmonious with the surroundings. They do not develop cookie-cutter designs, nor are they tract builders who build multi-housing units, all of them looking similar. This project will offer additional housing units of varying forms, and include free-standing single unit cottages, single-family townhomes, and boutique scale multi-family flats.

Mr. Levinson said the multi-family flats are positioned on the master plan toward the adjacent commercial parcel that has a closed convenience store and gas station; the recent information he has received indicates it will be reopened under new ownership. It is also their intent, with the master plan members have before them, to repurpose the existing iconic barn, to allow for ancillary uses such as their employees' offices, community gathering space, and fitness.

Mr. Levinson said they have held two community meetings, and that he has held multiple one-on-one meetings with residents in their homes in the Moore's Ferry neighborhood. Resulting from these meetings, they have made the following revisions on the master plan before members tonight. The overall density was reduced from 258 units to 210 units. Along the rear property line of the site, they initially had a 30-foot rear setback buffer. He noted that in the R-2 zoning, as this is currently zoned, the minimum setback is 25-feet. They increased the buffer from 30-feet to 50-feet, where they have townhome buildings across from the existing townhomes or single-family houses in Moore's Ferry.

Regarding the 50-foot buffer, Mr. Levinson met with two property owners in Moore's Ferry yesterday who have homes adjacent to their site's rear property line in the northwest section. He asked to go on public record as saying, that during the meeting yesterday, he had committed to a 50-foot buffer along those townhome properties as well, and they will subsequently revise it on the master plan. They are working to minimize the impact of new development and ensure compatibility between single-family and the higher density. They committed to a maximum of 2-story townhomes, as shown on the rear of the site; the neighbors were concerned about 3-stories, so they committed to 2-stories. They relocated the driveway on 42nd Avenue Drive, approximately 175-feet further northwest and away from the Moore's Ferry gatehouse structure, after being requested by community members to look at it. They have worked with NCDOT to position the most northern driveway on Highway 127, to align with 44th Street across 127. They have committed to the community members that parking lot lights and exterior building lights will be controlled, so as not to add to light pollution.

In regard to 42nd Avenue Drive, they have communicated to community members that, if the City approves, they can utilize the existing roadway width and strive for a dedicated right-turn lane and left-turn lane, onto Highway 127 from 42nd Avenue.

Mr. Levinson thanked members for their consideration and yielded to others who wish to speak.

Mr. McBrayer asked if there were any questions for Mr. Levinson. He commended Mr. Levinson and his group for sitting down with nearby citizens in advance, saying that does not take place very often; the community members then bring all their questions here, and that is not the Commission members' purview. Mr. McBrayer appreciated what Mr. Levinson has done, and the concessions that have been made.

Mr. Kerley noted the 50-foot buffer Mr. Levinson has offered and asked what type of buffer it would be. Mr. Levinson said it would be a landscaped buffer. They do not have specific landscape material planned, but said on several occasions, some community members in Moore's Ferry had mentioned the Leyland Cypress do not do well, so they will not use them. They have not yet hired a landscape architect, who will put forth the landscape material.

Mr. McBrayer asked if he had seen a 5-foot fence included on the back property. Mr. Levinson said yes, they are planning for a 5-foot fence. As he had explained to some community members who have asked, they plan to have landscape material on each side of the fence; the fence may be visible in certain locations, but for the most part, it should be screened, covered, or camouflaged by the plant materials. They plan to put it in the middle of the 50-foot buffer.

• **Brad Lail**, 1051 14th Avenue Drive NW, Hickory NC, addressed Commission members. He thanked them for doing what they do as Planning Commission members and handling all the work on the agenda tonight.

Mr. Lail said he was speaking as a citizen of Hickory, certainly not as a former Council member or a representative of the NCDOT. He said his mother is a minority partner in The Horse Barn, LLC. Again, he was not speaking on behalf of anyone but himself as a citizen, and was here to support the proposed rezoning, particularly after reviewing the Planned Development documents submitted by the applicant. At issue, of course, is not whether the property can be developed, of course it can be developed; it could be developed as single-family homes right now, without coming before this board.

Mr. Lail said this Planned Development is not just suitable, but in his opinion, it is desirable for this property. The reason is that it gives the City and the board the opportunity to regulate the quality, the character, the configuration, the access, the landscaping, the increased buffers, the fences, all those things, and to address the concerns of the surrounding properties. He said you do not have all those opportunities in basic zoning districts. If you were to develop this as a single-family district, the North Carolina General Assembly would not even allow you to regulate the color, building materials, or the size or height of the single-family homes. You cannot do it as a city, so a PD is the way to go.

Regarding the mix of uses, Mr. Lail said he had once lived on North Center Street for 25-years, near downtown. On his block, they had condos, single-family homes, duplexes, and apartments, and he did not see any negative impact from that mix of housing types. He encouraged members to support the proposal.

There were no questions for Mr. Lail.

• **Larry Bowman**, 1043 Rolling Green Drive, Newton NC, addressed Commission members. He appreciated the opportunity to be heard by the board. His interest here is to represent the owners of the site that is subject to the rezoning request. Their ownership group consists of five individuals; all of them are local, and together they make up The Horse Barn, LLC. Their group has owned the property for almost 11 years, after acquiring it in April 2011. Within a month of acquiring the property, he met with a group from the Moore's Ferry neighborhood, heard concerns and received their input regarding the property. Soon after, he worked with the city so that 42nd Avenue Drive NW then became a city-maintained street; this was at the request of the neighborhood. A couple of years later, they removed a house from their site, which had fallen into disrepair. Notwithstanding the occasional stray horse from their barn tenant, they have tried to be a good neighbor.

Mr. Bowman said they respect and are mindful of the concerns that have been voiced about the proposed development. There are various interests at play here, and they cannot get them all aligned. From the landowners' perspective, he had three points. First, they have held the land for 11 years. Second, the site is unquestionably an underutilized asset of both the city and the county. Third, they feel that they have teamed with a premier Charlotte based developer, Lat Purser & Associates, to develop the property. He said Purser & Associates is generally inclined to build and hold their properties; when they can, they involve local investors, and he plans to be one of them.

Mr. Bowman is impressed that Purser & Associates has held two community meetings, as discussed, and that he had attended both. He made the point that they have modified their plans significantly to address concerns that have been heard. Their group believes the proposed project is one of an unusually high quality that will enhance northwest Hickory, saying of course, that he encouraged members to support the rezoning.

There were no questions for Mr. Bowman.

• **Steve Mull**, 4258 6th Street Drive NW, Hickory NC, addressed Commission members. He thanked the members for what they do as volunteers. He has lived in Viewmont for over 40 years and has also worked in Viewmont for over 30 years, serving the Viewmont community. Like many people here tonight, he was blessed to have been born in Hickory, grow up in Hickory, and was able to employ a lot of employees over the years. He had an opportunity, if you would remember back to a very sensitive agenda issue, where he was approached to sell his property. He was concerned and felt a responsibility that he had to leave it better than what it was. What

has transpired from that transition in 2005 was that it created more jobs, it created more revenue for the city, and, most importantly to him, it created a safer route for buses and students at Hickory High and Viewmont; sidewalks from Hickory High to Viewmont were created. He said as you know, the village did not die, the village was enhanced. And so, he was here tonight in support of this project, knowing that it will enhance the Hickory community.

There were no questions for Mr. Mull.

• **Cliff Moone**, 4340 North Center Street #304, Hickory NC, addressed Commission members, saying he is a resident of Timberwood, one of the oldest townhome developments in Hickory, and they are proud of what they have been able to do there, as well. He was present tonight, not as their townhome association's president or in the other positions he holds in the community, but as a citizen who lives in that neighborhood.

Mr. Moone has driven by the horse barn many, many times, as many people have. Addressing Mr. Bowman, he said his own wife would prefer that this remains a barn, with the horses and such, and a horse development there for people to ride, because she wants to have riding lessons for her granddaughter very close by. However, he did not think any of that was in the works in any way, shape, or form.

Mr. Moone attended the second of the community meetings, after being unable to attend the first one, and he was extremely impressed; he wanted to repeat what some other people had said. He was extremely impressed, and that he has been involved with the city for a long time, at how responsive Lat Purser was in responding to the concerns raised by the community, on both sides of the road, by the way. They then made those changes, which members heard about tonight, and that he would not go back through them again.

Mr. Moone said that, as many here know, just a few years ago Hickory was recognized negatively for having the oldest housing stock in the state of North Carolina. What he is excited about with this development and some of the other ones, is the way Hickory is going about, in a reasonable planned way, building that back into a better housing stock for the future citizens of Hickory, including his grandchildren. Hickory has been in real need for newer, up-to-date housing of all kinds, and this development, he believes, will help in this regard.

Finally, Mr. Moone said he supports this development, and he knows that it will impact the esthetics of this area of Hickory, and improve the property from what it is now, in terms of its appearance in the community.

There were no questions for Mr. Moone.

• **Jeff Beymer**, 4241 North Center Street, Hickory NC, addressed Commission members, saying he lives in the old Whisnant house [adjacent to the subject property]. The way he looks at this is that there are three options. There could be residential homes, which will tract the property up and it will be sold, and he has concerns about residential homes in the critical watershed area there; on individual builds you would have issues. This is a stage 4 critical watershed area, but they have not happened in his 11-years. The second option would be commercial, and they do not want commercial in that area, at all. The third option is what has been presented here, which is a mixed-use community. He thinks they have listened to the concerns of the neighbors; he thinks there is a need, and he thinks it is probably the right thing to do. And honestly, he is ready for the houseboats and the different things on the property to go away; the horse barn needs a facelift, it needs to have some things done. That whole property is a beautiful piece of property, and they all need to do the right thing.

There were no questions for Mr. Beymer, and no additional proponents.

OPPONENTS

• **David Webber**, 4356 1st Street Drive NW, Hickory NC addressed Commission members, saying he wanted to discuss the history of three important words. These words were stated many years ago, when the original developer of Moore's Ferry first attempted to hit the home run with a change to the zoning of the property, so it

could be sold to a growing retail company, Wal-Mart. As you do not likely remember, at that time the homeowners in the original part of Moore's Ferry rose up in arms; they were against having a mega-retailer next to the residential property they had bought – lake lots, and they had built beautiful, nice homes there. They were concerned about the traffic and the retail, and the panhandlers that might show up. The City Council, in their wisdom, said the property should remain R-2, one and two-family residences. The Council protected the homeowners.

The second attempt came several years later, when high-rise apartments were proposed; a Planned Development was proposed. By this time, Mr. Webber was himself a new resident of the townhouses. He lives in a duplex on 1st Street Drive NW and abuts these 19½ acres. Once again, the Council listened, and felt that the R-2 zoning was appropriate for the property.

The news of this third attempt to make this a PD, a Planned Development, on the 19½ acres, and that Mr. Webber had understood it was 258 rental units, but now it is 210 rental units. No one has stressed that – that it is going to be rental units. There is no property for sale to individuals, and the whole division would be a rental development. He said originally, he heard that there would be 13.5 residences per acre, but he thinks it is down to 10 now. The present residents think the City Council should remember the wisdom of the past. These were the three little words handed down from the past: do not rezone.

Mr. Webber said to ask the present owners, Larry Bowman being one of them, The Horse Barn, LLC, to develop the property as single- and dual-family residences, with the restrictive covenants of Moore's Ferry. As it is now, zoned R-2, it could be developed with the guidance from the City planners and with the present required guidelines.

Mr. Webber said thank you for your vote this evening. Do not rezone it, do not spot zone a rental neighborhood into their neighborhood. Thank you.

There were no questions for Mr. Webber.

• **Bill Crocker**, 128 42nd Avenue Court NW, Hickory NC, addressed Commission members, saying he lives in Moore's Ferry. He asked to read his remarks aloud, and Mr. McBrayer said his statement would be entered into the evidence for the hearing. Mr. Crocker distributed copies of his statement to Commission members and read aloud from it:

February 23, 2022

Statement of Bill Crocker, Moore's Ferry Resident, before the Hickory, NC, City Planning Division regarding Rezoning Petition (RZ) 22-03.

Ladies and Gentlemen of the Hickory Planning Division:

My name is Bill Crocker. I have been a resident in Moore's Ferry for 12 years.

Thank you for this opportunity to provide input regarding the proposed rezoning of the 19.4-acre parcel hereafter referred to as the "horse barn property" from R-2 to "Planned Development" (PD). I would like to submit my statement for the record.

The property in question is aligned with the entrance to the Moore's Ferry residential neighborhood at the corner of route 127 (North Center St.) and 42nd Avenue Drive NW. This parcel backs up directly to existing homes in Moore's Ferry. As you know, Moore's Ferry is one of Hickory's premiere developments consisting of approximately 400 single family homes. The Moore's Ferry development is zoned R-2 with a maximum density of 4 dwelling units per acre as is the "Horse Barn" property in question.

Undoubtedly Hickory put a substantial amount of work, thought, and wise consultant advice into its Hickory by Choice Comprehensive Plan 2030. And this is the wisdom we have to draw on today. The

2030 plan retained the “Horse Barn” property zoning as R-2 and there is nothing in our view that has change since then that would warrant rezoning now.

But more importantly, the applicant is proposing a rezoning that is diametrically opposed to the number 1 Land Use Goal stated in Hickory’s Comprehensive 2030 Plan. Section 3 of that plan addresses Hickory Land Use Goals and Policies. The first of which is to **SUPPORT LAND USES THAT ARE COMPLEMENTARY TO SURROUNDING USES**. The criteria set out in this section to follow in meeting this goal is captured in just 3 very succinct sentences.

Those 3 sentences not only guide the designation of land use but stress the importance of the desires of the residents themselves when considering land uses in Hickory. I would like quote from the City’s number 1 land use goal:

*“While Hickory is a diverse place, residents appreciate harmony, as the City manages development, it should keep in mind that balance and compatibility are important characteristics. This guides the designation of land uses on the comprehensive plan map, informs zoning district standards, and shapes land use and subdivision approvals. New uses **MUST** “fit in”, respecting the context into which they are set.”*

We as residents of Moore’s Ferry and its surrounding neighborhoods could not agree more. To place a high-density PD of rental units at the very front entrance of our Moore’s Ferry neighborhood would be completely out of context and would certainly not be appropriate or consistent with the goals, findings and recommendations incorporated in the Hickory by Choice 2030 Comprehensive Plan. Further, the proposed PD is inconsistent with some provisions of Hickory’s Land Development code regarding traffic associated with PD zoning. For example:

(1) Hickory Land Development Code 5.1.3 -- Planned Developments shall not create significant traffic along minor streets in residential neighborhoods outside of the district.

(2) Hickory Land Development Code 5.1.8 – Minor streets shall not be connected with streets outside the districts in such a way as to encourage use of such minor streets by substantial amounts of through traffic.

It is my position, and that of many of my neighbors, that both criteria would most likely be violated on 42nd Avenue Drive within the Moore’s Ferry neighborhood.

Overall, a Planned Development on that 19.4 acre parcel is inappropriate and similar rezoning requests in the past for this parcel have been denied. We have nothing against Planned Developments. The City Council has approved similar Planned Development rezoning applications where appropriate nearer to grocery stores, restaurants and commercial services.

The residents of Moore’s Ferry are overwhelmingly opposed to the rezoning of the adjacent horse barn property and, in particular, rezoning that would result solely in rental units not compatible with our homes and those of surrounding neighborhoods. We are further concerned that the future ownership and condition of those rental units cannot be reasonably assured. It is our position that the current R-2 zoning for this space is most appropriate now and in the foreseeable future.

Many residents of Moore’s Ferry, including neighborhood association leaders such as myself have, at the invitation of the applicant, attended two presentations for the purpose of sharing their proposal with us and answering any of our questions and concerns. The applicant also made some changes to their original proposal in an attempt to address some of those questions and concerns. While this is standard procedure by reputable developers and is appreciated, it failed to address the primary issues we have raised with the applicant and in this statement. Specifically, there are no concessions, tweaking or adjustments to the proposed PD that could remedy the fundamental concern of the residents in our area that the rezoning to PD would result in the construction of hundreds of rental units that would be an inappropriate use for this particular parcel of land. On its face, the proposal lacks compatibility and harmony with this area of Hickory and is overwhelmingly opposed by the vast majority of nearby residents both inside and outside of Moore’s Ferry.

We respectfully request that the Planning and Development Division recommend that the applicant’s request for rezoning of the “Horse Barn” property be denied and its current R-2 zoning be retained. This has been the consistent position of the city and is still the desire of the affected residents.

Thank you

Mr. Crocker said the scariest thing he had heard tonight, was hearing Mr. Frazier say all they have to do is revise the plan to fit the needs of the applicant. Scary, and the residents have a lot of respect for this body. They have respect for members' credibility, respect for their accountability, but most importantly, they have respect for their reliability. The only thing Hickory has to go on is the Comprehensive Plan, and they should not vary from that.

While saying there are "no concessions" Mr. Crocker mentioned tweaking the wooden fences. He said the residents did appreciate the fact that meetings were held with the applicants, where they laid out the plan for them. However, these people are scared; their homes back up to these apartments. They are scared, and when a guy comes and says I will do this and try that, they think this thing is going to happen, and this is the only choice they have. So, they are offered a wooden fence that the applicant will put there. Mr. Crocker went out and talked to all the residents and did what he could for them; he listed their concerns. They believe this is going to happen and they will have no other choice; they are going to have to accept a wooden fence.

Mr. Crocker said they are asking the Commission to turn down this request, as they have in the past, by the way. R-2 can work in the area, and it will work in that area. They have builders in Moore's Ferry right now who have probably built 15 homes, new homes, and nice homes, and they would love to build those homes right on that land. Thank you.

There were no questions for Mr. Crocker.

Mr. Crocker's letter was presented to the clerk and entered into the record as Exhibit B.

• **Kim Clarke**, 4399 3rd Street Court NW, Hickory NC, addressed Commission members. She lives in Moore's Ferry and was not sure what to expect tonight. What she has seen is that the desire of the board is to have a vision for Hickory, and a vision that maintains what everyone has known and loved in Hickory, but that also allows for growth in Hickory. All the (previous public hearing) proposals tonight are more for a starter home, and Hickory needs to also maintain the idea that there are areas of Moore's Ferry, and people who want to come into Moore's Ferry, but do not necessarily want just a starter home.

Ms. Clarke said these are just rental units, and they are rental units in an area that is desirable in Hickory. So, the area is going to completely change; the dynamics of Hickory are going to completely change. She thinks the fact that the builder is making all of these revisions shows to the board, and to the audience, how detached this development is to the existing area. She thinks they need to have something that is going to accentuate and make Hickory a better area and having a rental area with transient people is not going to be, she would think, a goal that Hickory would like to have, in the long term.

Ms. Clarke said this is rental; rental is a business, and you have already said you are going to have an area for management. That is not a commercial area, and she thinks they need to maintain what they already have. And the housing stock that they were talking about being dynamic and diverse, Hickory also needs to have a housing stock that is going to draw in young professionals, not just families that are in the starter areas. There are all these developments that are going up, and her concern is that it is just not hitting all aspects of the housing per capita that Hickory should have.

Ms. Clarke reiterated that the rezoning should not happen; it does not need to happen, and Hickory can develop this area to make it far more desirable than a rental unit with transient people coming to this area.

There were no questions for Ms. Clarke.

Mr. McBrayer said, considering there were quite a few people remaining on the list to speak, that he would entertain a motion to add more time. Mr. Crone said he would reiterate what Mr. McBrayer had stated clearly,

that each side had 15 minutes for their comments, and rebuttal would follow. He believed it would be appropriate to make a motion to allow extra time for each side, but if there are a lot of people who want to speak on either side, then he thinks Mr. McBrayer needs to limit the amount of time for each speaker, to two or three minutes, or whatever he chooses, if that is what he wants to do.

Mr. McBrayer said what he was going to say is, obviously, the opposition is in opposition; the Commission does not want to stifle any conversation, but the Commission members do not want to hear the same argument every time someone comes up to speak. The members know that there are some who are for it, and others who are against it. It is just prolonging it to repeat the same things. He asked for a motion to extend it by adding 15 minutes to each side.

Bill Pekman moved, seconded by Philip Reed, to add 15 minutes of time to each side. The motion carried unanimously.

Mr. McBrayer said the hearing would proceed, and members would continue hearing from the opposition for 15-minutes.

• **John Clarke**, 4399 3rd Street Court NW, Hickory NC, addressed Commission members, saying that all night tonight, throughout this hearing, he had heard about luxury apartments, high-end, quality, and when he was listening to Mr. Frazier give his review, he enumerated a litany of things that you said in the beginning that you would not be willing to entertain, talking about traffic and erosion and sewers, and all of those things that he presented in his report painted a beautiful picture, that this was all going to be in full compliance; they have thought this thing through, they thought it all out, it was not going to have any drainage issues. He said there are people in this room who have written letters; he was not going to read his letter, they are in members' in-boxes, and he had talked about sewage and drainage. These are real issues; he does not think they have been thought through, quite frankly, and he does not think they should be used, in terms of selling this proposal and this rezoning as, hey, these are not problems. These are issues; residents have big issues from all of those.

Traffic, when talking about how it is incompatible, 42nd Avenue, do yourselves a favor and just park your car up there tomorrow morning during rush hour, in the morning or the afternoon after school. Mr. Clarke said he and Mr. Kerley had ridden bicycles up in Bethlehem and all over, as part of a Hickory cycling club. They will not be able to ride bicycles past that old Hess gas station, that is dumb; that is dumb. Cyclists will not need a Rock N Road Bicycles shop in the future, they are going to be trekking their bicycles up to Wittenberg or wherever. Forget it, Hickory is shut down; you are not going to see another bicycle in town at all. Who is going to risk their lives just to ride a bicycle? And you are going to put 210 units on there? And these are not high-end, these are not high-quality condos, these are rental units. Accentuate the words rental units. These are not condos; people are not investing in this new neighborhood. The character of this neighborhood is being changed dramatically; this is a major, cataclysmic change in the character of this neighborhood.

This is Moore's Ferry, Moore's Landing, as was previously mentioned, one of the few high-end areas of residential properties in town. God bless the people that bust their tails and make it, so they can spend a couple years of their lives living in that kind of area. Mr. Clarke hopes everybody would aspire to maybe enjoy a nice residential area like this place happens to offer. And you are going to change that with your cataclysmic rezoning to a PD area. This is outrageous. And while talking about all these beautiful homes of high quality, he asked where the dumpsters are going to be located. He sees three pools of water for water reclamation; where are the mosquitoes going to go when that water is sitting there stagnant. All these people who have invested their own money in their condos and their townhomes and their premium homes, how are they going to be compensated? This is a major, cataclysmic change in the character of this neighborhood, and that needs to be considered before you make this rezoning PD. Thank you very much.

There were no questions for Mr. Clarke.

- **David Mostafaloo**, 4376 3rd Street Court NW, Hickory NC, signed up but declined.
- **H.L. and Carolyn Duncan**, 4334 1st Street Drive NW, Hickory NC, signed up but declined.
- **Ann and Jim Peebles**, 4336 12th Street Drive NW, Hickory NC, signed up but declined.

• **Kasey C. Antonius**, 157 42nd Avenue Drive NW, Hickory NC addressed Commission members. She said this is rental; high-density rental properties, and you were talking about diverse and affordable. There is no public transportation that goes that far out on 127, to help people who may be vehicle-challenged. And it is also 1½ miles to the nearest grocery store, so you are going to put diverse affordable housing in a food desert. So how are you going to help those residents that you are putting in there, if they cannot get to the services they need? Because there is no public transportation out that way, and there are no grocery stores, doctors' offices, or anything out there, and if they are vehicle-challenged, hence diverse and affordable, how is that responsible for the City of Hickory to put people out where they cannot get the services that they need?

So again, more things to think about, and that is not fair to people who are diverse and affordable, if you cannot have the services, they need available. Thank you.

There were no questions for Ms. Antonius.

• **William E. Antonius**, 157 42nd Avenue Drive NW, Hickory NC, addressed Commission members, saying he lives in Moore's Ferry. He requested to see the zoning map ([slide #63](#), Map 2. Current Zoning), saying the reality is, when you look at this, you look across the street and talk about the PD there, those are all townhomes that people own, they are not rentals. And he knew they had beaten this like a dead horse, but if you look at this map, just by the color of it, you are significantly, drastically changing this landscape.

The second point he wanted to make was, as this council, he knows everybody is concerned about the water, and the sewage, and the traffic and all that, and he understands and appreciates the fact that they (the members) do not make that decision. However, when you, at the end of this, say you recommend this for approval and it goes to City Council, the point of you recommending approval is for the City Council to vote, obviously they are going to take your input into account. The problem is that all of those, as well as DOT, will look at this. Well, this plan is pretty set in stone; it is known that exactly 210-units are going to be put in that area. But the impact is not known; that is the reality, unless he is missing something. And that is concerning, the fact that that is going to go to City Council. If you recommend approval for this, City Council is going to go, oh, they recommended approval. But 210-units are going to go in that 19-acres, and they have absolutely no idea of the impact to traffic, to sewage, to water, to anything. It is just, well, somebody is going to look at it. To him, it just seems like putting the cart before the horse.

There were no questions for Mr. Antonius.

• **Wayne Helton**, 330 40th Avenue Drive NW, Hickory NC, signed up but declined.

• **Aaron Tosky**, 95 36th Avenue NW, Hickory NC, Commission members, saying he was not representing himself as a landowner of Moore's Ferry, he was representing himself as a member, former president, and board member of many years at Temple Beth Shalom, across the street. He said many years ago, there was the Wal-Mart situation across the street, to rezone the horse barn as commercial. Landowners of Moore's Ferry and Mr. Tosky's late friend Marvin Zerden hired (attorney) Richard Rudisill to sort of fight that. Well, he is not Marvin Zerden, and he is not Richard Rudisill, so be thankful, because this would go a lot smoother.

Mr. Tosky also worries about changing what could possibly be permanent homes into rentals, and the transient population. Does Hickory have a shortage of homes? Yes. Is there a shortage of apartments? Yes. Apartment buildings are built all around this town, and they are already filled. Behind Publix, Northridge there, those were all filled before they were finished. Yes, we need affordable housing in Hickory; we need more rental property. Is this the right area to do it? He was not so sure.

Worrying about safety, Mr. Tosky has talked to his friends, noting that one month ago, temple people were held hostage in Texas. There will be transient people across the street, and they do not have full-time security people at Temple Beth Shalom. Yes, they have some cameras; the person who gets called when the alarm goes off, the person they will get is him, because he lives a mile up the street. Is he going to run down there so quickly now? Probably not. They did not need to worry about the people in Moore's Ferry breaking into Temple Beth Shalom, so this could change a little bit. Thank you.

There were no questions for Mr. Tosky.

- **Raymond F. Peirce**, 236 43rd Avenue Drive NW, Hickory NC, addressed Commission members. He lives in Moore's Ferry and wants to make the comment that the people in Moore's Ferry really appreciate the neighborhood, and the fact that they live in Hickory. They pay for the maintenance on 42nd Avenue Drive NW. There are plantings out at Highway 127 that they put in; it is now on City-owned property, but they put in those plantings, and they maintain them. There are trees on both sides of that road now because they planted them; they put them there. They finally got the city to put in streetlights on that road, and they paid for the upgrade, another \$9,000 at \$1,000 per lamp, so that they would be esthetically good-looking streetlights, not a pole with an arm hanging on it. So, he wanted these people (the Commission) to know that the folks in Moore's Ferry really like the area, and they do not like finding, as everybody else had said, rental units going right outside their gate. Thank you very much.

There were no questions for Mr. Peirce.

- **Russ Edwards**, 143 34th Avenue NW, Hickory NC, addressed Commission members. He lives in Sunset Hills but owns a lot at 4427 3rd Street Court NW and plans on moving there, once they have their family. And the reason he brings that up is that, for him, there were a lot of reasons to move to Hickory; he joined a practice here, there is a lake, his in-laws are here; it was a great fit. They wanted to invest in Hickory for the long haul, and so they bought two pieces of property. That is the antithesis of what is being proposed, to put in all rental properties.

Mr. Edwards knows there is a litany of reasons of why this should not happen, but that is the main reason, the investment in the community. If you want to invest in the community, you bring in the right people; people who want to stay here for the long haul. He came from Charleston, SC where there are big apartment complexes popping up left and right, and frankly, it is a disaster down there, and you do not want that congestion. Once again, thank you for your time, and he wanted to reiterate that if you want to invest in Hickory, do it in an appropriate way.

There were no questions for Mr. Edwards.

- **Bonnie and Byron Bean**, 530 43rd Avenue Court NW, Hickory NC, signed up but declined.

- **Bruce Meisner**, 4394 1st Street Drive NW, Hickory NC, addressed Commission members. He said the one premise that every one of these rezonings has made mention of is to preserve residential consistency. R-2 is three to four units; this proposal is going to be 10, three times the density. You have got to be kidding.

Mr. Meisner said he remembers the countless hours of volunteer work that the Hickory by Choice had, and this "bible" says that R-2 is what it should be, and that is what it needs to be. He has a feasibility study on his desk that has an R-2 zone for 20-acres, and it abuts a 30-acre tract. Now, what is he supposed to say to this developer – that he thinks he had better watch when he comes to Hickory, because you could have some apartments come in on that vacant land right behind you.

Mr. Meisner said he was mentored by three wonderful people who sat right there: Glenn Hilton, Phil Yount and Bill McDonald. They taught him the first thing he learned on City Council, the big “P” word, and it is precedent; do not let this be a precedent, to rezone this property for rental use. Thank you.

There were no questions for Mr. Meisner.

• **Mike Sigmon**, 226 44th Avenue NW, Hickory NC, addressed Commission members. He said he would not go into all the details about traffic and safety, and all that; he wanted to tell members why he moved here. He and his wife came here 6-years ago from Atlanta. They were tired of the traffic; they were tired of the people coming down there and many of the broken promises they had. He thinks these guys are doing what they can do to try to help Hickory by changing some of the things to make it good property, but it is still going to be rental property. In Atlanta, he has seen people destroy their neighborhoods and things, because the people would die, it became a rental property, the people would either go broke or re-sell it, or something like that, and the people would not have the same values that these people may have. We do not know what is going to happen 20-years from now; we do not know what is going to happen if it goes to a rental property, but we do know if it is single-family owned, people are going to take better care of it.

Mr. Sigmon said one of the things he brought tonight, because he is a gardener, was a flower out of his yard (holding up a daffodil), because it is important to take pride in the neighborhood. Now, he may be out of order in saying this, but rental people are not going to grow gardens, they are not going to take care of things; all they want is a place to live, and a place to get in and out of. Moore’s Ferry is a place with pride in the neighborhood and pride in Hickory, and one of the reasons they chose to build there, to be honest with you, was because the horse barn was there. Six years ago, they drove by, and they were looking for a place to build a house. His wife said she knew the perfect place, it has a great view; you can see the mountains, you can see the lake, and that is where the old house was that someone was talking about. But if you put rental property there, it is going to be gone, and he just wanted to tell the members that.

Two other things. Mr. Sigmon said he is an astronomer, and loves looking at the stars. He can look to the south, which is toward 127, and see Orion and those kinds of things. If the lights from the rental property are there, even if they are subdued down, it is not going to be a (good) place to look at that. And they see deer all over their neighborhood; if the property is there and spread out like that, it is going to be landscaped; the animals and wildlife will be gone. He hopes members will consider those things, and the fact that this neighborhood needs to stay with the purpose of Hickory being well crafted, and well crafted to the neighborhood for what it is. They pay the money; he pays over \$1,000 a month in taxes to the City, and he is proud of it. He just wants to keep it that way, to where the neighborhood will be desirable so people will want to come here. Thank you.

There were no questions for Mr. Sigmon, and no additional opponents.

Mr. McBrayer said the opponents were granted an additional 15 minutes of time earlier, so the proponents would now receive an additional 15 minutes, also.

PROPONENTS, extended time

• **Jack Levinson** addressed Commission members and requested the master plan be returned to the screen, slide #59 (Architect’s Sketch Plan). He asked to clarify a few comments that were made tonight. First, they have not made any commitment regarding the fence material, and he wanted to clarify that, since someone had made a reference to a wooden fence; that is not in their plan. Second, the BMPs (Best Management Practices) that are shown on this master plan may end up being dropped; wetlands with rain will then dry. They have not gotten to the point of engineering but, when they do, community members had asked if they could aerate the ones that might stay wet, and they said they could.

Mr. Levinson said there was also a reference that there would be affordable housing. This is a market rent based project. He pointed out that the section by 42nd Avenue & North Center Street has single-family, individual cottages with garages. A local architect is going to be engaged for this, who has done homes in Moore's Ferry. These single-family cottages will be special, they will be different, and something to be proud of at an entry point going into a neighborhood like Moore's Ferry. He said the structures shaded purple on the master plan are duets, or two single-family townhomes in one building, with one roof, and similar to the Moore's Ferry properties adjacent to them at the rear. The majority of the homes on this particular street are townhome duets, as he calls them, or two single-family townhomes under one roof. He said they committed to doing the same type, with garages, and noted the other section of townhomes, many with garages, and then the section with the multi-family flats.

The rentals – Mr. Levinson said this was an emphasis that had been brought up tonight, so he needed to address it. He said these are premium rents; the range for one apartment is \$1,100 to 3,000 per month. This is not something that brings in ... (pausing) ... that he had heard the word transient here but was just not sure what that means when he hears this type of word. He said they did want to talk about the renters by choice, and asked Lat Purser to come to the podium.

• **Lat Purser**, 1302 Chatsworth Place, Charlotte NC, addressed Commission members, saying he works with Mr. Levinson and is one of the developers. They see this everywhere, whether it is Savannah, Spartanburg, Greenville, Charleston, and it is the concern about renters. He knows that it is a real concern, but what happens is that when you develop in a high demographic area, your renter is then a high demographic. If you develop on a high traffic road like Independence Blvd, you get that type of renter, because the rent on that road will be significantly less than these rents. If you look at the per square foot cost of what they would pay to build this, and you recognize that the square footages are 1,000 to 1,200 to 1,400 sq. ft. and compare it to a 3,500 sq. ft. house and just do the math, times 3, that these are very nice. They are not cheap.

Mr. Purser said the renter by choice is not just a couple of people. It is the retiree, and they talked to many of these people when they were up here last week, who are grandparents. They want a simple life, and they may want to be near their grandchildren, but they do not want to buy any longer. In fact, two people had come up to him last week, after their presentation, who said they might want to be a renter here. So, it is a demographically driven thing; it is not an apartment thing. You also have young adults who want to rent; they are carrying a student loan. It is very hard to get the down payment, and it is getting harder with all the hedge funds that are buying residential units. He said 30% of all for-sale residential in Charlotte is being sold to hedge funds right now, and that pushes deposits up; it complicates the student loans, so it makes it very difficult. He said they are providing a very nice neighborhood for them to live in until they can afford to buy their house. You also have the people coming in who are working for the bank, working for whomever; they do not know if they are here for 2-years, 3-years, and they do not know where they want to live, but they want something nice. So, they are not building low-income housing here, they are building to the demographics.

Regarding traffic, Mr. Purser said, first of all, with most of the traffic generated by any town, there is more of it generated further out coming in; normally the problem is that if they are out and coming in, they are not paying any City taxes. They are just coming in, and using the roads, etc. etc. A project like this will be generating traffic going in, some to work, but they will have three (3) driveways, three curb cuts. The highest density is on the right-hand side, where the flats are located. So, with 210-units, you have 70-units using each one, and what the traffic counts tell them is that it will even out that way. But with the high-density on the right, most of that traffic will be using that driveway, or the middle one. The driveway at 42nd Avenue will be for the cottages, which would typically be single families, and they will likely use that driveway. But again, they have moved the driveway, because they heard concerns about where it was located. They went and checked, and the road is wide enough that they can create a left-hand turn lane, which they do not have now, so they think they are addressing it, and they are not adding that much traffic when it is compared with the 450-some units nearby.

The rest of the concerns tonight, and that he would not reiterate it all, like the dumpster, storm water enclosures, all of that, it will be governed by the City and all the regulations they are required to adhere to for it.

Mr. Purser asked if members had any questions.

Dr. Pekman said there seemed to be significant concern about stability and Mr. Purser's reliability regarding holding this property, what the property could be 20-years from now, and how he could answer these people's concerns about that. Mr. Purser said he knows no more than anyone else does, that he might not even be in his own house 20-years from now. What he does know is that he has been doing this for 50-years. His wife is one of nine (9) children, and he builds to hold; he cannot hold everything because sometimes partners are required to sell. But he has shopping centers that he has held for 25-years. They like to partner with local people; Larry Bowman will be driving by the site, and they will also have on-site management. It is not a commercial management; it is on-site management, with a manager, assistant manager, leasing agent, and a maintenance team. They will coordinate all the landscaping and manage all of it, because they have a fairly large investment in this.

Mr. Purser said when they have local partners, they are typically long term; what he does not like is – and he has to fight this all the time – the people who build and flip. He said they talked about this the last time. Some of the people who build and sell it 12-months after they open it, because they do not want to pay capital gains, they cut corners. He said they are not cutting corners here; they build it to own it. They build it for the cash flow. They have local partners, and it is meant to have local pride. So hopefully, and that he did not know what Dr. Pekman meant by stability, but that hopefully he is pretty well grounded. He has been around for quite a long time doing this.

Mr. McBrayer said there would now be 5 minutes for rebuttal, for both the proponents and opponents. Since the proponents just finished with their additional time, he asked the opponents to go first.

The opponents were provided 5 minutes for rebuttal.

OPPONENTS – SURREBUTTAL

Mr. McBrayer asked if anyone would like to present rebuttal.

• **Bill Crocker** addressed Commission members, saying he wanted to comment on what Mr. Purser had just said. They may have the best of intentions, but the opponents do not have any assurance whatsoever. They could build this and sell it off the next year; a new buyer comes in, and there is no control over that. They have no idea where this will end up, even if he has the best of intentions. If one of those investors decides he wants to sell out, and so forth and so on, it is gone. They sell it off and take their profit, and it is gone. The next guy, you do not know who you are going to get the next time.

• **Bruce Nelson**, 4315 3rd Street Lane NW, addressed Commission members. He lives in Moore's Ferry and is concerned about the safety in their neighborhood. These gentlemen have mentioned that on 42nd Avenue, an exit has been changed, and it was not clear in his mind what they are really saying. Obviously, if you dump over 200 units in there, and traffic goes into the neighborhood, that is a problem for the neighborhood. He would like him to explain. Clearly, there are a lot of people in the audience that do not know what the last change to the exit on 42nd Avenue was, is it on the corner? Is it 195-feet away, or something that he heard mentioned? In other words, he really thinks they could just put the exits on 127, and it would do away with a lot of the problems and concerns that a lot of people have. Thank you.

• **Kim Clarke** addressed Commission members, saying she would like to define the word transient; it is someone who moves, and when you have rental property, you move. She said \$1,000 a month, that is lower income. They live in a neighborhood where they have four or five thousand, a million, two-million-dollar

homes, and now they are talking about a rental unit for \$1,000 a month that is in their neighborhood, in their yard. There is nothing compatible about this neighborhood, this development, this high-density project development, with Moore's Ferry. Hickory needs to plan for young professionals to come, like Dr. Edwards, who wants to move down the street from her. Hickory cannot just have developments for starter homes and \$1,000 houses, rentals, or even if it is for sale. Hickory has to plan for a future where professionals are also coming to Hickory, and she would like the Planning Commission to think about the progress of Hickory, not just a fast monetary fix of, wow, there are 200 rental units coming in to provide money today. Hickory needs to think about the future. She asked the members to think about the future and not just be wowed by luxury apartments that are \$1,000 a month.

• **Arabela Balan**, 108 41st Avenue NW, Hickory NC, addressed Commission members, saying she lives in Moore's Ferry and wanted to point out that if you look over here [on the master plan], you probably have 20 or 25 homes, and if you look over here, you are going to have 210, about the same size, space wise. That is huge, with just 20-some homes, and then you translate about the same space into 210 – do the math. It is huge; it is a huge amount of the population going in there, while right over there it is only 25 homes.

Ms. Balan also wanted to say that the plan they are showing is beautiful, but she does not think it is the right location. She thinks they need to bring something that will be valuable for the neighborhood behind. So, she is opposed to the rezoning. No rezoning.

The proponents were provided 5 minutes for rebuttal.

PROPOSERS - REBUTTAL

Mr. McBrayer asked if any of the proponents would like to present rebuttal.

• **Lat Purser** addressed Commission members. He said first of all, the traffic. Pointing to the master plan on the screen, slide #59 (Architect's Sketch Plan), he said that driveway has to line up, their first driveway, and it is a DOT requirement for safety. If you look at their second driveway, that one will service about 150-units. This other area, these 60 will be split; logically, about half will go each way. Not every day, on some days it will vary. Your driveway, 42nd Avenue, is 36-feet wide, so it does offer the opportunity to have a left-hand turn lane. If you are coming out in the morning, there could be a dedicated left-hand turn lane, and a right-hand turn lane, plus an entrance lane (from Highway 127), so that avoids someone being in the middle of the exit lane and holding everyone up while they try to make a left-hand turn. He said they have offered to prepare that for the neighbors, if it is something they would like.

Mr. Purser addressed the earlier question regarding the exit location on 42nd Avenue. He pointed out where it was originally; after hearing from neighbors during their meetings, they moved the exit up, but they can only move it so far because DOT will start saying they are too close to 127, and that would start to cause complications. So, they moved it up and gave plenty of spacing, then they have the setback, and can also provide the dedicated left-hand turn lane. He said that mornings are really the problem, with someone sitting there blocking someone who needs to make a right-hand turn. With the dedicated left-hand turn, which the 36-foot would allow them to do, you get the option to do a dedicated right-hand turn lane.

Mr. Purser said again, one thing to realize is, that when you hear \$1,000 a month, these are the 1-bedrooms, and they are smaller; it does not mean the kitchen is cheap, they have shown what their kitchens are like, what their countertops are like. It does not mean the bathroom is cheap, it is just smaller. Everything they have built has been in better income neighborhoods; they do not know how to go into a low-income neighborhood and develop it. So, they develop a product that, again, will attract the demographics of the area, and that is something that is very hard to get comfortable with because he grew up looking at the multi-family on Independence Blvd. and Albemarle Road in Charlotte, and that is a totally different market than what they do.

• **Larry Bowman** addressed Commission members, saying he just had a couple of comments to make. He thought everyone had been pretty hard tonight on people who rent. They rented for 6- or 8-years early in their lives, and they may rent before they die. He expects that about everyone in this room has rented at one time, and he feels like they have looked down pretty hard on people tonight who rent.

With that said, the folks here have taken their proposal, and they think it is dubious, but Lat Purser & Associates has the top reputation in the southeast, in the projects they do. They do attempt to involve local people and hold the properties. They build them to last, and have held them for 20-years, which is probably as long as a house these days; it really stands up. There are many other ideas for the property they own. They have owned it for 11-years and he has not been approached with a lot of great ideas of what else could be done with it; if they are out there, none of those ideas had made it to him. If there are better uses for it, people have had ample opportunity to tell him. And here we are 11-years later. Thank you.

Mr. McBrayer declared the public hearing was closed.

Mr. McBrayer thanked everyone for coming out, on both sides of the aisle, and offering their input. He asked for discussion and comments by members.

Mr. Kerley said he knew many of the audience members, and there were a couple things he wanted to talk about here. He raised two children in this area; they moved away from here and will probably never come back. Hickory has to think about their young professionals and offer them somewhere to live, and these are nice. He has traveled to different places and has seen what they have there, what kind of communities they live in. His children have very good jobs, but they do not want to buy yet, that younger kids are not buying right away.

Mr. Kerley said when you talk about transient homes, he would like for all the people attending to drive through other communities like he has; not just here, but somewhere else. He has looked at various ones and the things they have done; he tries to do his homework before coming here. He said DOT controls what happens on 127, but he understands this – it is in your backyard, and that he is the same way. He has voted on a sub-division that is in his back yard, and it makes it hard. Moore's Ferry is a beautiful place, and he admires all the residents who live there. But he is kind of with Mr. Bowman, that this has really been hard on renters. There are a lot of people, who are good people and need a place to live. He said they have offered a buffer, and that a 50-foot buffer is a pretty good size buffer; that is a pretty good offer. He said he admires everyone who came tonight, and the businesspeople who are here, saying Mr. Meisner is one of his champions in this town, and he definitely appreciates his comments.

Mr. Hunt said Hickory is growing; people are coming to Hickory from all across this country. He knows these residents love their homes and you do not want anything to bother it. However, Hickory is growing and Hickory needs rental properties; he might be the only one not scared to say it. But the Commission members understand exactly how they feel. He paid \$140,000 for his house, and he has been there since 1998. He did not know what to say that would help anyone who owns a very expensive house in Moore's Ferry, but the members have been here before, with some other properties. But if a business does what it is supposed to do, follows all the guidelines and all the rules and regulations, the Commission has a responsibility to honor what is supposed to be done, and that he may not be liked tomorrow.

Sam Hunt moved, seconded by Bill Pekman, to forward a recommendation of approval to Hickory City Council for Rezoning Petition 22-03. Mr. McBrayer asked if there was any discussion on the motion.

Dr. Pekman said he could not top the comments his two colleagues had made here, but that he had made a couple observations. First and foremost, he is concerned with the disparagement toward somebody who has to rent a home. There are people out there who really need a home, and a lot of them. He has three daughters and all of them are professionals – lawyers and doctors. They could not afford to buy a home when they first started

out; they had loans, they had debts, and they looked for a place like this. They are good people, and he was disturbed to hear them called transients.

Dr. Pekman said he looks out there in the audience, and he knows some of these people who are developing this; he has known them for 30- and 35-years, and they are responsible individuals who have lived in this county for their entire life. He could not believe they would get up here and lie and want this to not be a good development and a good place to live. He said that no one, no one, wants to have a neighbor next to them; no one wants the land around them to be developed. It is also a fact that many people do not want to buy that land, because they do not want to pay the tax and do the upkeep on it. Well, this land is going to be developed. And he, like Mr. Kerley, has been to visit several of the developments that these people have done; they have been well maintained, they are clean, you do not see junk cars or junk laying around, and he thinks members need to take that into consideration. He does not want to speak out of turn, but he spent a lot of time and went to a lot of different developments to make certain that what he was saying tonight is correct.

Mr. Hunt said that when one of these (developments) is talked about, it fills up before they really even start construction, because Hickory needs housing.

There was no further discussion on Rezoning Petition 22-03, and Mr. McBrayer called the motion to a vote.

By a show of hands, the motion carried on a 6-2 vote. **Voting to approve** RZ 22-03 were Mr. Kerley, Dr. Pekman, Mr. McBrayer, Mr. Hedrick, Ms. Williams, and Mr. Hunt. **Voting to deny** RZ 22-03 were Mr. Reed and Rev. Johnson.

Mr. McBrayer said a recommendation of approval would be forwarded to Hickory City Council for their meeting in March.

Other Business: Mr. McBrayer asked Mr. Frazier if there was any other business for members, and he said no.

Next Meeting: The next regular meeting is scheduled for Wednesday, March 23, 2022, at 6:00 pm.

Adjourn: There being no further business, Mr. McBrayer declared the meeting was adjourned at 9:47 pm.

Bill McBrayer, Chair
Hickory Regional Planning Commission

Anne Starnes, Minutes Clerk
City of Hickory

Attendance Roster
FY 21-22

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

Hickory Regional Planning Commission

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Appoint	Expire
Catawba County	Jeff Kerley	P	P	P	P		P	AX	P				Jul-20	Jun-23
Catawba County	William Pekman	P	AX	P	P		P	P	P				Jul-20	Jun-23
Burke County	Robert Weaver	P	P	P	P		P	AX	AX				Dec-19	Jun-22
Ward 1	Bill McBrayer	P	P	P	P		P	P	P				Jul-19	Jun-22
Ward 2	Philip Reed	P	P	P	P		P	P	P				Jul-21	Jun-24
Ward 3	Junior Hedrick	P	P	P	P		P	P	P				Jul-20	Jun-23
Ward 4	Sam Hunt	P	AX	AX	P		P	P	P				Jul-21	Jun-24
Ward 5	Wallace Johnson	P	P	P	AX		P	P	P				Jul-20	Jun-23
Ward 6	Anne Williams	P	P	P	P		P	P	P				Jul-19	Jun-22

REZONING ANALYSIS

PETITION: Rezoning 22-06

APPLICANT: Delphi Development, LLC

OWNER: Film NC Capital Management, LLC

PROPERTY LOCATION: 3405 Valley Arbors Dr., between Robinson Rd. and 21st Street SE

PIN: 3711-11-56-5918

WARD: The subject property is in Ward 3 (Councilman Seaver).

ACREAGE: Approximately 8.84

REQUESTED ACTION: The applicant has submitted a petition requesting to amend the subject property current Planned Development designation to allow for 112 Residential Units.

DEVELOPMENT POTENTIAL: The current Planned Development (PD) zoning assigned to the property was approved for residential use. As currently zoned, the subject property is approved for up to 74 dwelling units, based on the previous PD approval.

BACKGROUND: The applicant has submitted a petition requesting to amend the existing Planned Development (PD). The master plan, and supplemental documentation, provided as part of the petition depicts the development as being multi-family residential in nature.

The plans depict the property as consisting of four (4) residential apartment buildings, which contain 112 dwelling units. In total, the proposed development would consist of a density of roughly 12.7 units per acre. Hickory's Land Development Code (Section 5.1) permits multi-family planned developments at a maximum density of 20 units per acre. The development is proposed to be a little more than half of what would normally be permissible.

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 property is located is classified Regional Commercial by the Hickory by Choice 2030 Comprehensive Plan. Regional Commercial future land use classification is discussed on pages 3.7 (Table 3.1) and 3.10 of the comprehensive plan. In summary, these classifications consist of areas found to be suitable for high density residential development. Specifically, in Table 3.1, one of the characteristics of the Regional Commercial classification is described as "multi-family and upper floor residential."

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 property is located within an area that is already used for high-density residential.*
- *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 Catawba Valley Boulevard and U.S. 70. 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 roughly 10%, or approximately 1 acre, of the development’s total area as being undisturbed space.*
- *Goal 4 discusses the locations of industrial uses. Being the development is absent of industrial uses, this goal would not pertain to the development proposal.*
- *Goal 5 is very similar to Goal 2, but goes further in outlining the need to promote mixed use areas that provide convenient access to amenities and employment areas. As previously outlined the location of the subject property provides 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 hearings; 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 property. 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 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 is located near Catawba Valley Boulevard, which is a major thoroughfare in the southeastern part of Hickory. The portion of the corridor that lies within Hickory is largely urbanized and commercial in nature. Public utilities (water and sewer) are already serving the earlier phases of this same development. Any future development that occurs on the property will be evaluated as to what impacts, if any, will be placed upon nearby public infrastructure. The owner and/or developer of the property 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 property. 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 property. Additionally, construction plans for the property, 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 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 for the patrons of the subject property, as well as the residents of the surrounding area.

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

North: *The properties to the north are occupied by commercial and retail space;*

South: *The properties to the south are the earlier phases of this same residential development;*

East: *The properties to the east are occupied by multi-family residences;*

West: *The properties to the west are vacant.*

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

North: *The properties to the north are zoned Planned Development (PD)*

South: *The properties to the south are zoned Planned Development (PD);*

East: *The properties to the east are zoned Planned Development (PD);*

West: *The properties to the west Planned Development (PD).*

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

The current PD zoning assigned to the property allows 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 will 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.

With regards to sanitary sewer, the City of Hickory already serves the property this project would be adjoining.

Catawba County Blvd. 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. 21st St. SE is City maintained, and any improvements required by the City will also be required to be put in place during the construction of this project.

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

The property in question is 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 property will be guided by the planned development master plan. Additionally all development activities on the subject property will required to adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc.

RECOMMENDED ACTION:

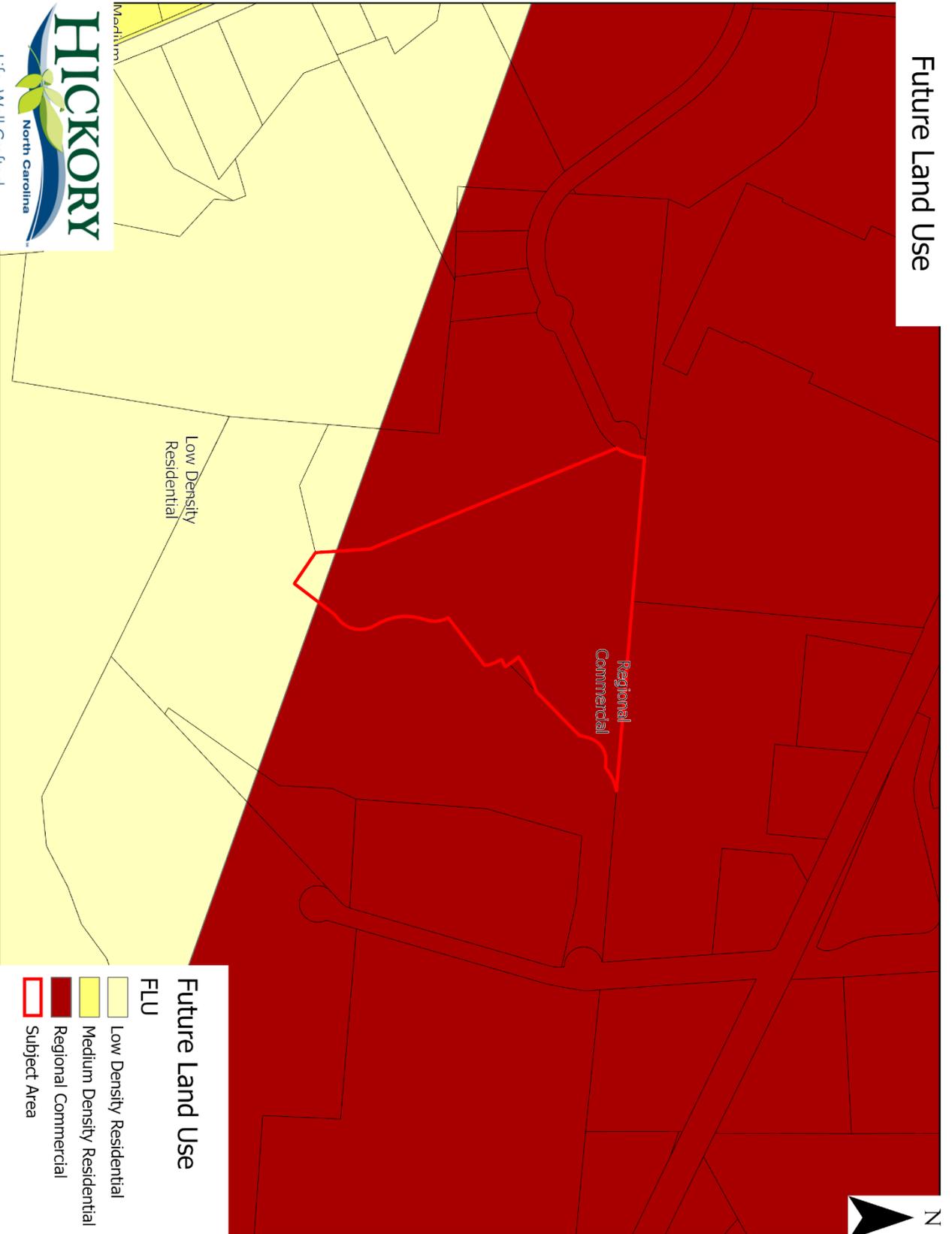
Staff finds Rezoning Petition 22-06 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:

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 March 14, 2022.

Future Land Use



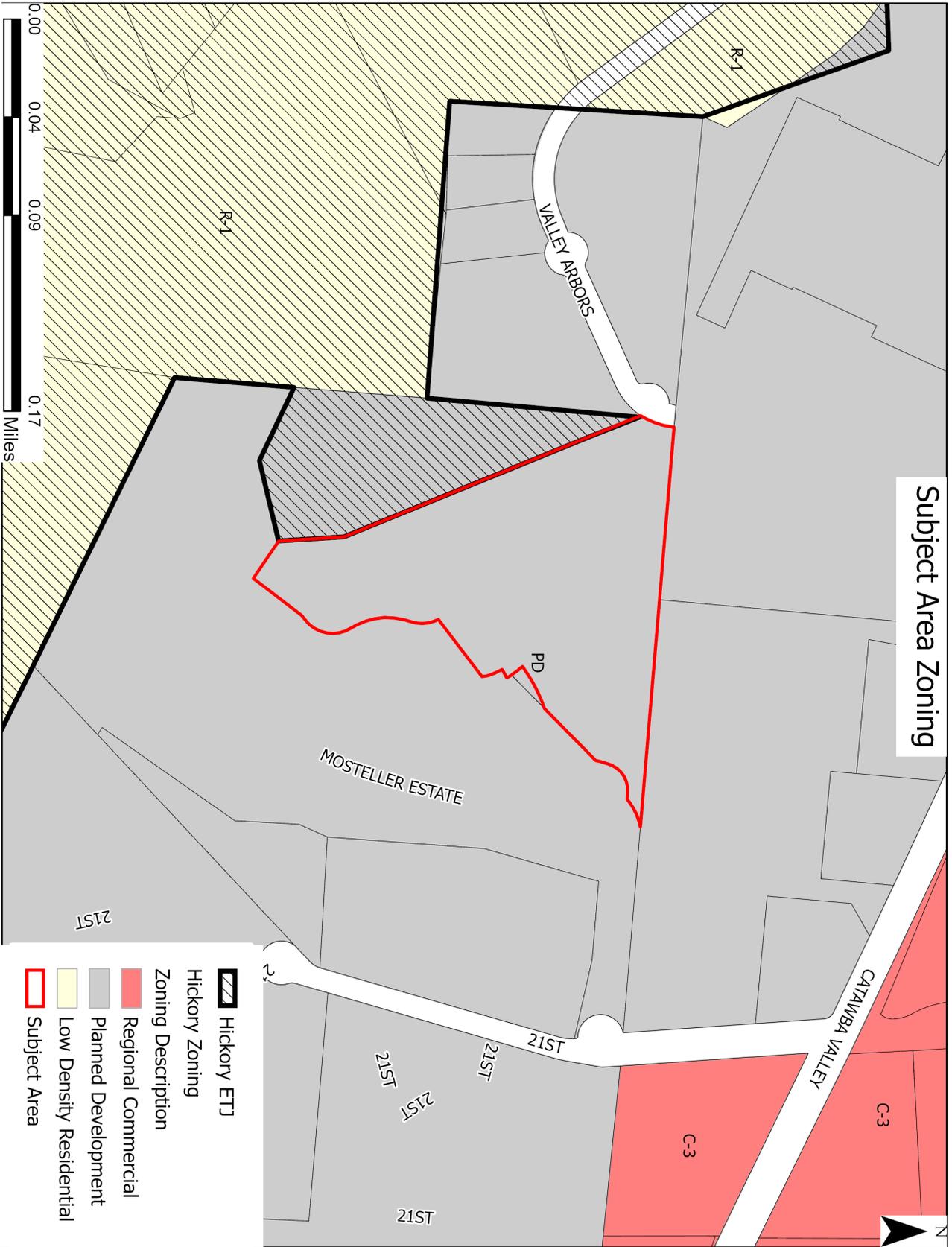
Future Land Use

FLU

- Low Density Residential
- Medium Density Residential
- Regional Commercial

Subject Area





Subject Area Zoning

-  Hickory ETJ
-  Hickory Zoning
- Zoning Description**
-  Regional Commercial
-  Planned Development
-  Low Density Residential
-  Subject Area



pd 1200.50
HTE 20616

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

DATE SUBMITTED: 2/18/22

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 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 3405 VALLEY ARBORES DRIVE between Valley Arbores Dr. and legends APARTMENTS.

PIN NO. (S): 37111565918

Physical (Street) Address: 3405 VALLEY ARBORES DR.

- 2. The property is owned by: (please print) Film NC Capital Management 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: Film NC CAPITAL MANAGEMENT LLC

Address: 2030 Robinson Rd, NEWTON, NC 28658

Phone Number: 919-260-2380

Email Address: STEPHANIE PACE@FILMNCcapitalmanagement.com

- 3. The petition is submitted by: Delphi DEVELOPMENT LLC

(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: Delphi development LLC, c/o HARRY Piles

Address: 800 FAIRVIEW Rd, Suite 130
Asheville, NC 28803

Phone Number: 828 - 238 - 7901

4. It is desired and requested that the foregoing property be REZONED:
FROM: MODIFY EXISTING PUD TO INCREASE FROM 74 RESIDENCES TO 112 RESIDENCES TO: _____
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 LAND
7. Specify the acreage of the proposed development: 8.84 +/-
8. Specify the intensity (gross square footage) and/or density (size and number of dwelling units) of the proposed development: 112 RESIDENTIAL UNITS

Additional Required information (40 folded copies of all support information must be provided)

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 at a scale not smaller than 1" = 200' that depicts the following items:

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);

NOTICE TO APPLICANTS AND/OR AGENTS REGARDING ADVERTISING FEES

In addition to the application fees required at the time of application submittal, the applicant and/or agents is responsible for remitting payment to the City of Hickory to cover legal advertising/notices costs. Advertising costs are billed by the City of Hickory after the rezoning process concludes.

Requests for rezoning require two public hearings (Hickory Regional Planning Commission and Hickory City Council). State law and the Hickory Land Development Code requires specific notices of public hearing be provided prior to the public hearing. These requirements are necessary for each of the two public hearings. The notices required by law include the following:

- Posting of property (sign);
- First class mailed notices sent to all property owners within 500 feet of the subject property; and
- A legal notice published in the local newspaper (the notice must run two consecutive weeks).

The average costs of such required legal advertising range from \$400.00 to \$700.00 depending on the size of the property and the complexity of the request.

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.

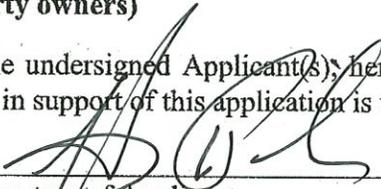
Conditional Zoning Districts

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.

Applicant's Affidavit

(All applications must be signed by all persons having an ownership interest in the subject property or include an agent authorization letter that includes the notarized signatures of all property owners)

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



 Signature of Applicant

MAUREENA FOSTER
 NOTARY PUBLIC
 Buncombe County
 North Carolina
 My Commission Expires February 2, 2024

Sworn and subscribed to before me this 15 day of February, 2022.



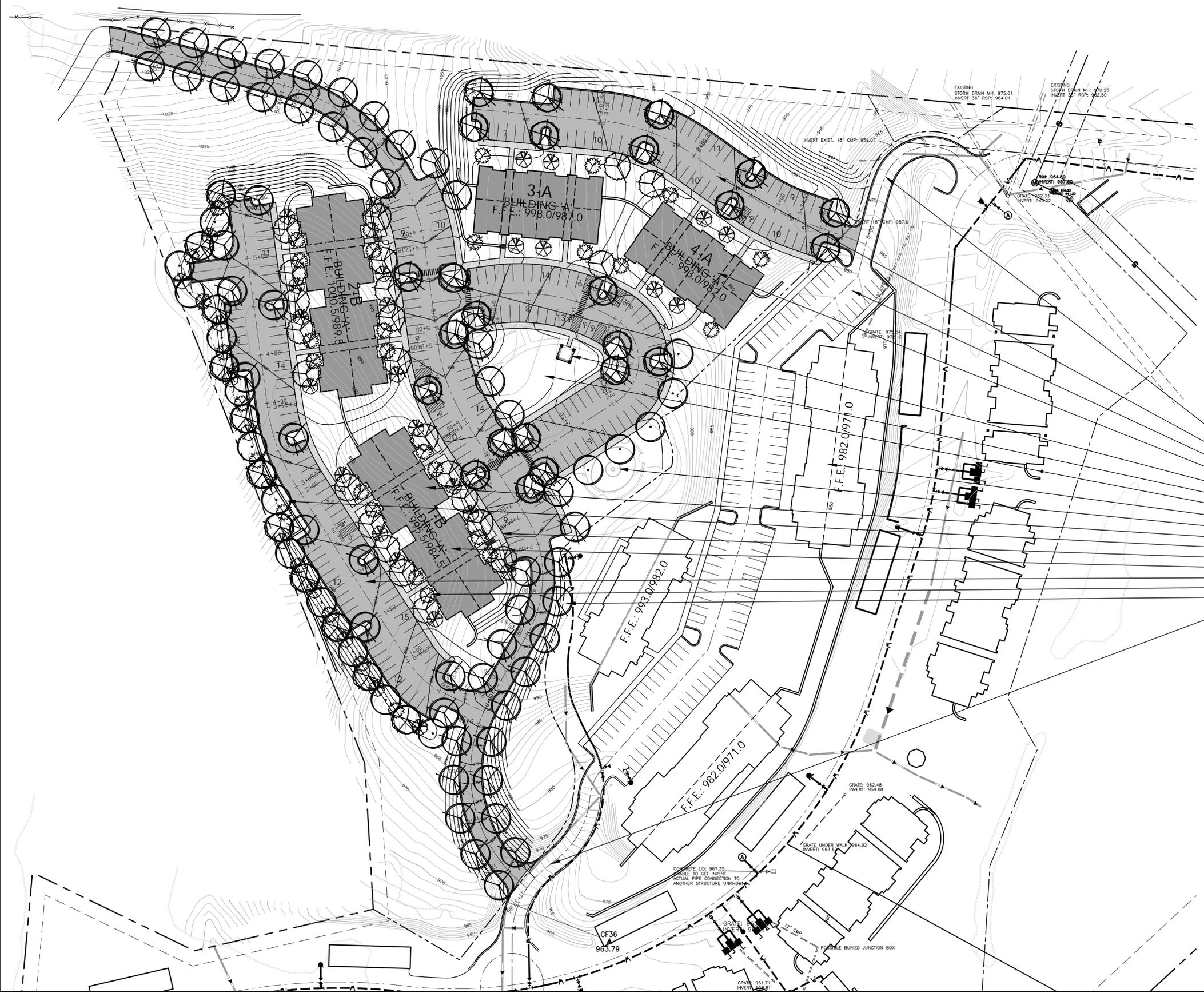
 Notary Public

Feb 2, 2024

 My Commission Expires

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.

CF37
1023.13



PROJECT INFORMATION

OWNER: FILMNC CAPITAL MANAGEMENT, LLC
2030 ROBINSON ROAD
NEWTON, NC 28658
PHONE: (919) 260-2380
EMAIL: stephaniepace@filmnccapitalmanagement.com
CONTACT: STEPHANIE PACE

APPLICANT/DEVELOPER: DELPHI DEVELOPMENT, LLC
800 FAIRVIEW ROAD, SUITE 130
ASHEVILLE, NC 28803
PHONE: (828) 238-7901
EMAIL: hpihos@delphidevelopment.com
CONTACT: HARREY PILOS

ARCHITECT: PDI ARCHITECTURE
1020 BREEZEAL ROAD
PENDLETON, SC 29670
PHONE: (864) 224-5800
EMAIL: pat@pdilarch.com
CONTACT: PAT IANNELLI, RA

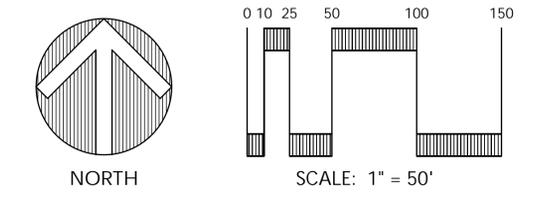
LAND PLANNER: LAND PLANNING COLLABORATIVE
P.O. BOX 2200
ASHEVILLE, NC 28802
PHONE: (828) 243-0111
EMAIL: bgrasso@landplancollab.com
CONTACT: ROBERT M. GRASSO, RLA

CIVIL ENGINEER: DAVIS CIVIL SOLUTIONS
134-A CHARLOTTE HIGHWAY
ASHEVILLE, NORTH CAROLINA 28803
PHONE: (828) 299-9449
EMAIL: gary@daviscivilsolutions.com
CONTACT: GARY DAVIS, PE

SITE INFORMATION

PIN: 37111565918
ADDRESS: 3405 VALLEY ARBORS DRIVE
ZONING CLASSIFICATION: PD PLANNED DEVELOPMENT
PROPOSED USE: APARTMENTS
TOTAL ACREAGE: 8.883 ACRES
TOTAL DISTURBED ACREAGE: 8.0 ACRES
DENSITY PROPOSED: 12.61 UNITS/AC.
NUMBER OF UNITS PROPOSED: 112 UNITS
BEDROOMS/UNIT: 1 BEDROOM & 3 BEDROOMS UNITS
NO. OF PARKING SPACES: 248 SPACES (2.21 SPACES/UNIT)
ROAD MAINTENANCE: PRIVATELY OWNED & MAINTAINED
WATER: CITY OF HICKORY WATER SYSTEM
SANITARY SEWER: CITY OF HICKORY SEWER SYSTEM
UTILITIES: UNDERGROUND POWER, TELEPHONE & CATV
DUKES POWER
PARKING LOT LIGHTS: PEDESTRIAN LED (50 WATTS, 3730 LUMENS) 16' FIBERGLASS POLE

- PHASE 2 DRIVEWAY
- PROPOSED PARKING LOT
- PHASE 2 PARKING LOT
- PROPOSED APARTMENT BUILDING (28 1-BEDRM UNITS)
- STOP SIGN
- MAIL KIOSK BUILDING
- FIRE PIT AREA
- PHASE 2 APARTMENT BUILDING (TYP.)
- PROPOSED RETAINING WALL (TYP.)
- PROPOSED APARTMENT BUILDING (28 3-BEDRM UNITS)
- PROPOSED RETAINING WALL
- PROPOSED SIDEWALK (TYP.)
- PROPOSED APARTMENT BUILDING (28 2-BEDRM UNITS)
- PROPOSED PARKING LOT
- PROPOSED FLOWERING TREE (TYP.)
- PROPOSED SHADE TREE (TYP.)
- PHASE 2 DRIVEWAY



CONCEPTUAL SITE PLAN

ESTATES-3 APARTMENTS
3405 VALLEY ARBORS DRIVE
HICKORY, NORTH CAROLINA

JOB NO.: 2020100
DWG. NAME: most-site.dwg
DATE: March 11, 2022

REVISIONS:

REV.	DATE	BY
1		
2		
3		
4		
5		

SHEET
L-1