



The Hickory Regional Planning Commission will hold its regular meeting on **Wednesday, October 28, 2020 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 August 26, 2020 meeting

PRESENTATIONS AND PUBLIC HEARINGS

1. **Rezoning Petition 20-03.** Request by Futuro, LLC and Corbin Hairline for the consideration of the rezoning of approximately 18 acres of property located at the northeast and southeast corners of Snow Creek Road and 25th Street Place SE, from Catawba County R-20 Residential to City of Hickory R-2 Residential. The property is shown as PIN 3724-06-48-2558 on the Catawba County G.I.S. maps.

OTHER BUSINESS

1. Consideration of Combining the Commission's November and December Meetings.

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

Attendance Roster
FY 20-21

Key	A	Absent	AX	Excused		No meeting
	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											Jul-20	Jun-23
Longview Randall Mays		AX											Jul-20	Jun-23
Catawba County William Pekman		P											Jul-20	Jun-23
Burke County Robert Weaver		P											Dec-19	Jun-22
Brookford Vacant														
Caldwell County David Deal		P											Jul-19	Jun-22
Ward 1 Bill McBrayer		P											Jul-19	Jun-22
Ward 2 Dan Shabeldeen		P											Jul-20	Jun-23
Ward 3 Junior Hedrick		AX											Jul-20	Jun-23
Ward 4 Sam Hunt		P											Jul-18	Jun-21
Ward 5 Wallace Johnson		AX											Jul-20	Jun-23
Ward 6 Meg Jenkins Locke		P											Jul-19	Jun-22

Hickory Regional Planning Commission
Wednesday, August 26, 2020, 6:00 pm

A regular meeting of the Hickory Regional Planning Commission (HRPC) was held Wednesday, August 26, 2020, 6:00 pm, in Council Chambers of the Julian G. Whitener Municipal Bldg, Hickory NC.

Members Present: Bill McBrayer, Bill Pekman, David Deal, Robert Weaver, Sam Hunt, Meg Locke, Dan Shabeldeen, and Jeff Kerley

Members Excused: Randall Mays, Junior Hedrick, and Wallace Johnson

Members Absent: none

Others Present: Director of Planning Brian Frazier, Assistant Planning Manager Cal Overby, Senior City Planner Ross Zelenske, City Attorney John Crone, and Minutes Clerk Anne Starnes

Parliamentary Call to Order & Welcome: Bill McBrayer, Vice-Chairman, called the meeting to order at 6:00 pm and welcomed everyone attending.

Roll Call: Brian Frazier stated a quorum was present, and that Randall Mays, Junior Hedrick, and Wallace Johnson were excused.

Items of Correspondence: Mr. Frazier said Mayor Guess has signed re-appointment letters for Mr. Mays, Dr. Pekman, and Rev. Johnson.

City Council Action: Since the previous meeting, Mr. Frazier said Crystal Rogers' request to rezone property near Highland Baptist Church, from Industrial (IND) to High Density Residential (R-4), was unanimously approved by Council.

Approval and Signing of Minutes from the June 24, 2020 Meeting: Minutes of the previous meeting held in June were distributed to members in advance. No additions, deletions or corrections to the minutes were stated. Jeff Kerley moved, seconded by Bill Pekman, to approve the June 24, 2020 minutes as presented. The motion carried unanimously.

PRESENTATIONS & PUBLIC HEARINGS

Mr. McBrayer said one public hearing was on the agenda. He read the North Carolina Ethics Awareness & Conflict of Interest Reminder that states, "In accordance with the State Government Ethics Act, it is the duty of every board member to avoid both conflicts of interest and appearances of conflict. Does any board member have any known conflict of interest or appearance of conflict, with respect to any matters coming before the board today? If so, please identify the conflict or appearance of conflict, and refrain from any undue participation in the particular matter involved."

No conflicts of interest were declared by the members.

Cal Overby presented the Staff Report and referred to PowerPoint slides. Slide #2 (Rezoning Petition 20-02):

- Property Owners: Claude and Billie Shrum, David and Kevin Childers, and Alan and Donna Bolick
- Applicant: Eric Yeargain
- Location: Southwestern corner of Catawba Valley Blvd SE and Startown Rd.
- Current Zoning: Low Density Residential (R-1) and R-20 Residential
- Property Size: +/- 10.51 acres

- Background: The subject properties are currently zoned Low Density Residential (R-1) and R-20 Residential, and are either vacant or occupied by a single-family residence.
- Request: Consideration of rezoning the properties to Regional Commercial (C-3), for the purpose of future non-residential development.

Mr. Overby said Rezoning 20-02 petition was submitted by Eric Yeargain, agent for the applicant, and that Mr. Yeargain was present tonight. He reviewed Slide #2, noting the current zoning is Low Density Residential (R-1), and is in the Hickory ETJ; it is also zoned Catawba County R-20 Residential, which is currently unincorporated. The property is in the process of annexation, which Hickory City Council will consider on September 1. He said three properties are involved in the request, with one currently being vacant and two occupied by single-family residences. The request is to rezone the properties from their current Low Density Residential (R-1) City zoning and R-20 Residential County zoning, to Regional Commercial (C-3) zoning for the City of Hickory.

Mr. Overby reviewed slide #3 (Map 1. Hickory by Choice 2030), the Hickory by Choice 2030 Future Land Use Map. He pointed out Catawba Valley Community College, the area classified as Public/Institutional in the plan, and highlighted in blue. He said much of the area along Catawba Valley Blvd., highlighted in orange, is classified as Regional Commercial in the plan. He noted the bordering area of Low Density Residential, which is mostly unincorporated at this time, with most of it located outside the Hickory ETJ, and the adjacent area of High Density Residential. He noted the Neighborhood Mixed Use area, where Sweetwater Road Extension intersects with Startown Road.

Mr. Overby reviewed slide #4 (Map 2. Aerial Photography), noting the current land use. He pointed out Catawba Valley Community College (CVCC), the Manufacturing Solutions Center, the re-aligned intersection that now leads into the community college, and the former Fairbrook Family Practice, which he understands is now CVMC Fairbrook. He said Preston Ridge is not reflected on the aerial map, noting the area where it is currently under construction, with several hundred apartments and a couple mixed-use buildings being built, for use by CVCC, as well as retail office uses for the general public. Mr. Overby noted Legends, adjacent to the AMC Theater, and Blossom Gas, which was formerly Sunrise Appliance. He said U.S. Hwy. 70 is located just to the north of this area.

Mr. Overby reviewed slide #5 (Map 3. Zoning), saying that earlier he had pointed out the area of Catawba Valley Community College, with Regional Commercial being pretty much of the remaining area. He noted the Planned Development, at left on the map, which includes Legends, AMC Theater, Target and the entire Hickory Ridge shopping center, a large planned development created back in the late 1990s and early 2000s. He pointed out the medical practice location, and the planned development for Preston Ridge, noting there are future phases of the development that would come along after the current phase is completed. He noted the area zoned R-1, which is Hickory ETJ, and includes some subdivisions and scattered housing. He noted the large area with a County R-20 residential zoning designation.

Mr. Overby said he had received one call regarding the petition, from a resident living on Renwick Drive in County R-20. He said she had inquired about roadway extensions, and her questions were more related to transportation issues and the City's plans than they were about the current rezoning plans. He explained the rezoning to her, and she asked about the sale of property.

Mr. Overby reviewed slide #6 (Rezoning Petition 20-02).

- The properties are currently zoned Low Density Residential (R-1) and R-20 Residential, and are either vacant or occupied by a single-family residence.
- The Hickory by Choice 2030 Plan classifies the area as Regional Commercial, so the rezoning request is consistent with the findings and recommendations of the HBC 2030 plan.
- The rezoning of the property is not anticipated to negatively impact the provision of public services, nor is it anticipated to negatively impact adjacent properties.

- Future development on the subject properties shall be carried out in conformance within the City's Land Development Code.

Mr. Overby said the City would evaluate future public services in the area when, and if, development occurs. They will evaluate utility and roadway extensions, driveways, etc., during the construction and design process, not during the rezoning process currently underway. Other City ordinances will also be addressed at that time, such as the storm water ordinance and any other ordinances that apply.

Mr. Overby reviewed slide #7 (Findings & Recommendation).

- **Findings**
 - The Hickory by Choice 2030 Comprehensive Plan identifies the area as Regional Commercial, which is consistent with the zoning designation being proposed for the subject property.
- **Recommendation**
 - Staff has found Rezoning Petition 20-02 to be consistent with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:
 - The Planning Commission move to affirm the rezoning petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and
 - Forward a recommendation of approval to Hickory City Council.

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

Dr. Pekman referred to Map 2 (Aerial Photography), saying that he had visited the property and noted a severe drop off exists near the road. Mr. Overby said there are some topographical issues on the property, which would require significant grading. There are also overhead electric issues, such as a Duke Energy overhead power easement they would need to contend with as the property develops. These construction considerations will be addressed when they get to that point.

Dr. Pekman clarified that there are no environmental issues on the properties, due to the topography. Mr. Overby said not any that he has seen at this point.

Mr. Deal asked if the properties under consideration are located in the City or County. Mr. Overby said they are still in the County, and actually, the development site is larger than the three properties being considered here. He referred to Map 3 (Zoning), saying all of the properties are outside the City; they have no jurisdiction over the property located outside the ETJ, but the other properties are located in the ETJ. He noted the property located along Startown Road, which is also included in the development proposal, is currently zoned C-3 commercial, so there is no need to include it in the rezoning. He noted the properties that City Council would consider for annexation, approximately 15- to 16-acres.

Mr. Deal asked if members could rezone property that is not located in the City. Mr. Overby said the Planning Commission is only making a recommendation at this point, and City Council would have to approve the annexation before they take a vote to rezone it. From a recommendation standpoint, yes, the Planning Commission can make a recommendation before the annexation is finalized; City Council cannot, they have to approve the annexation before approving the rezoning petition.

Ms. Locke asked if the annexation is scheduled for City Council's next meeting. Mr. Overby said yes, and that both the annexation and rezoning would be considered. Basically what will happen, in theory, is City Council will consider the annexation first. If everything is in order and they approve it, then a public hearing would be held to rezone the three parcels being discussed tonight.

Mr. Deal said his question had regarded his uncertainty on the legality to do this. Mr. Overby said the Planning Commission would be making a non-binding recommendation to City Council.

There were no additional questions for Mr. Overby.

Mr. McBrayer advised that all persons in favor of the petition would be allowed to speak first during the hearing, and opponents would speak second, followed by time for rebuttal by both sides, if needed.

Mr. McBrayer opened the public hearing.

PROPOSERS

Eric Yeargain addressed Commission members. He is the Development Manager for Neill Grading and Construction. Together with their current partners on the Preston Ridge project, they will be moving forward, assuming they are able to obtain zoning approval of this property. He said that, as many members are aware, there has been a great deal of investment in the Startown corridor in the past few years, both on the private and public sides. He noted some key examples were Trivium Corporate Center, CVCC's Workforce Solutions complex, Sweetwater Road extension, and their own \$31 million investment in Preston Ridge, a multi-family and commercial initiative. He said that, even with all of the recent rains and COVID restrictions, they are somehow executing on time, and are scheduled to complete the project during the last quarter of next year.

Mr. Yeargain said that, as Mr. Overby stated, the subject properties before the members for rezoning consideration are identified by and are consistent with the long-range plan, for regional and commercial use, and they consider this a logical extension of the development trajectory in this corridor. He referred to Map 3 (Zoning), and said you might even say it is a gateway, with its prominence at the high profile signalized intersection of Catawba Valley Blvd. and Startown Road, so therein lies the opportunity for them to develop a user mix that supports both the existing investment that has been made, as well as to support pending development initiatives under consideration, which they also believe will augment the existing trade area for current residents and businesses. He said they would appreciate the Planning Commission's support.

Mr. Yeargain asked if there were any questions from the members, and there were none. Mr. McBrayer thanked him for attending.

There were no additional speakers in favor of the rezoning petition.

OPPOSERS

None

Mr. McBrayer declared 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 Mr. Deal, to approve Rezoning Petition 20-02. By a show of hands, the motion carried unanimously.

Mr. McBrayer said Rezoning Petition 20-02 would be passed on to Hickory City Council for final approval.

Other Business: Mr. McBrayer asked if there were any other business for members.

Mr. Frazier advised members of a preliminary proposal for a possible conservation sub-division in northwest Hickory, off Sixth Street NW, just to the northeast of the intersection of Sixth Street and Geitner Road. There

is an existing house on the property now, built in the late 1950s. The house has been vacant and in serious disrepair for a number of years. The house sits on 2.53-acres and has no local or national historic register designations, so that is not a condition to consider. The property was deeded by a previous owner, a retired gentleman, who moved out of Hickory and donated it to Catawba College in Salisbury, NC. Subsequently, the college did not know what to do with the property. To Mr. Frazier's knowledge the property was never put on the market for sale, but a local builder or developer had contacted them with a purchase offer. Signing a contract followed, and the closing should happen by the end of September, or earlier. Subsequently, another offer was made on the property, presumably at a higher price, but the college is honoring their contractual obligation and plans to follow through on the sale.

Since this began, Mr. Frazier said the Planning Department, legal counsel, and City Manager's office have received numerous phone calls from citizens throughout Hickory, mostly in the northwest section of Hickory, and mainly in the immediate vicinity of this house. The persons calling are concerned about rumors they have heard that multi-family housing will go on the property, which is not the case, as it has a R-2 zoning district for single-family. The builder or developer is allowed to put up to five (5) single-family residential structures on the property, if they can meet the setbacks and principles of the conservation sub-division. Mr. Frazier expects to receive an application in late summer or sometime this fall.

Mr. Frazier said he and Mr. Zelenske expect to bring recommendations from the annual review of Hickory by Choice and the Land Development Code to the Planning Commission in the fall. One thing they are holding back on is the Land Use and Planning section of the state mandated revisions to Chapter 160B in the NC General Statutes. They have hired a third party law firm out of Chapel Hill to review it for legal issues, and they are currently in the review process, with a deadline of October 1.

If the sub-division comes through, Mr. Frazier said they would have to apply to the Planning Department. Staff will review it and distribute it to other pertinent departments for review. A Sub-division Review Committee will be established, followed by making a decision internally, and working with other City and County departments and agencies. He said there are a lot of people who are against this. He wanted to inform members in advance, without discussing all of the details, which could burden members if the sub-division topic comes up with others in the community. He said it is not something that would require any type of variance, nor does he expect that it would require a Board of Adjustment or Planning Commission hearing, or even a rezoning for City Council to consider. It is an internal staffing issue, and staff will wait to see if the builder/developer is able to fit in their five houses, or maybe four.

Mr. Frazier said there is a development called Sterling Stone, across the street and slightly to the northwest, by the same developer and builder, which is now in the final phases of construction. That development had started around the time of his hiring at the City, around 2005, and some of the neighbors are upset about drainage issues there. He said that is an entirely different issue from this one, as the drainage pattern here would not go to the north or west, but would pretty much go directly to the east. So, this is an entirely different situation, but there are neighbors who may call or contact members. Regarding ex parte communication, there is nothing here that members would need to vote on, so he advised members not to be overly concerned. He said most of the calls would be coming directly to his or the City Manager's offices, and he has also made Deputy City Attorney Dula and the Assistant City Managers aware of the situation. Mr. Frazier said he and one of the storm water engineers plan to meet with one of the neighbors regarding storm water issues there. He said that Sterling Stone did not cause the storm water issues, but it might have exacerbated the issues; however, there have been storm water issues there for years.

Mr. Frazier said this was his condensed version, but he had wanted members to be aware of the issue. If they receive any questions, they should feel free to direct them to staff. At subsequent meetings, he will keep members advised of both the public concerns and progress being made. At this time, there are no surveys, no closing, no preliminary plat and no final plat, there is not even an application, so right now there is nothing to review.

Mr. Frazier asked if members had any questions on the matter.

Dr. Pekman said that, earlier, Mr. Frazier had mentioned possible changes to the code. He asked if Mr. Frazier anticipated that changes to the code would affect what they might propose for this sub-division. Mr. Frazier said the changes they anticipate making to the code would roughly be made by the Commission during October-November, and likely go to Council sometime during the holiday season period. He, Mr. Zelenske and Mr. Overby have discussed some possible issues in the current Land Development Code, specifically concerning conservation sub-divisions, which need tweaking, at the very least. They are looking at various options and modifications. If they receive an application for such a conservation sub-division before the Land Development Code is revised and modified for re-adoption by Council, then it would go through on its merits. To this point, Mr. Frazier has made the developer aware of this, in no uncertain terms.

Mr. McBrayer thanked Mr. Frazier for updating members on this issue.

Next Meeting: The next regular meeting will be on Wednesday, September 23, 2020, at 6:00 pm, unless members are notified otherwise.

Adjourn: Mr. McBrayer thanked everyone for attending. Jeff Kerley moved, seconded by Meg Locke, to adjourn. There being no further business, the meeting adjourned at 6:25 pm.

Bill McBrayer, Vice-Chairman
Hickory Regional Planning Commission

Anne Starnes, Minutes Clerk
City of Hickory

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

DATE SUBMITTED: 9/17/20

**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 SNOW CREEK ROAD
between 25TH ST PL NE and 26TH ST CT NE.

PIN NO. (S): 372406482558

Physical (Street) Address: NA

2. The property is owned by: (please print) FUTURO, LLC & COBBIN Martine
~~Marline Corbin~~

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

Owner Information:

Name: FUTURO, LLC (OSCAR VASQUEZ)

Address: 220 17TH AVE NE / PO BOX 1468 HICKORY, NC 28603

Phone Number: 828-312-3765

Email Address: OSCARVV5@ME.COM

3. The petition is submitted by: FUTURO, LLC (OSCAR VASQUEZ)

(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.)

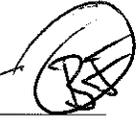
Agent Information:

Name: _____

Address: _____

Phone Number: _____

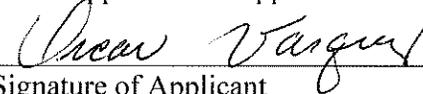
4. It is desired and requested that the foregoing property be REZONED:

FROM: R-20 TO: ~~R-20~~ R2-00 

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

Applicant's Affidavit

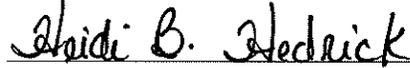
I (We), the undersigned Applicant, hereby certify that the information contained herein and submitted in support of this application is true and correct.


Signature of Applicant

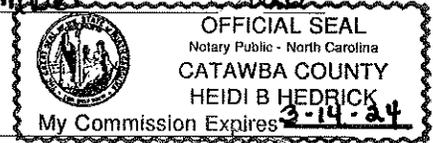


Sworn and subscribed to before me this 17th day of September, 2020

(SEAL)


Notary Public

March 14, 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.

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.

FILED May 11, 2020
AT 03:14:00 PM
BOOK 03571
START PAGE 0589
END PAGE 0590
INSTRUMENT # 08824
EXCISE TAX \$320.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$320.00

Parcel Identifier No. _____ Verified by _____ County on the ____ day of _____, 20____
By: _____

Mail/Box to: Fleischer Law Office, PLLC 7 14th St SW Suite 100 Hickory, NC 28602

This instrument was prepared by: Fleischer Law Office, PLLC 7 14th St SW Suite 100 Hickory, NC 28602

Brief description for the Index: PIN 372406482558 17.84 acres +/- * NO title exam *

THIS DEED made this 11 day of May, 2020, by and between

GRANTOR	GRANTEE
Futuro, LLC	Corbin Harline , an undivided 48% interest
PO Box 1468 Hickory, NC 28603	3046 44TH AVE DR NE Hickory, NC 28601

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Hickory, Clines Township, Catawba County, North Carolina and more particularly described as follows:

Beginning at a stone on the dower line, corner of Lot No 4 of the S Killian land division and runs with said dower line North 10 degrees East 3/5 poles to a stone on LS Hefner's line; thence with his line North 86 1/2 degrees West 35 1/2 poles to a stone; thence South 10 degrees West 82 1/2 poles to a stone on Elisehar Killian's line; thence with his line South 67 1/2 degrees East 28 poles to a pine stump; thence South 85 degrees East 9 poles to the beginning. Being Lot 5 of the division of the S. Killian land allotted to Ida Killian, containing 19 1/2 acres, Catawba County Registry.

LESS AND EXCEPTING that certain property conveyed in Deed Book 940, Page 634, Catawba County Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3558 page 608.

All or a portion of the property herein conveyed ___ includes or does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book _____ page _____.

submitted electronically by "Fleischer Law Office, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Catawba County Register of Deeds.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Grantor conveys herewith a 48% undivided interest to Grantee,

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Futuro, LLC _____ (SEAL)

By: Oscar Vasquez (Entity Name) _____ Print/Type Name: _____

Print/Type Name & Title: Oscar Vasquez, Manager _____ Print/Type Name: _____ (SEAL)

By: _____ Print/Type Name & Title: _____ Print/Type Name: _____ (SEAL)

By: _____ Print/Type Name & Title: _____ Print/Type Name: _____ (SEAL)

State of _____ - County or City of _____

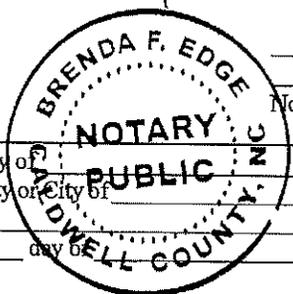
I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this _____ day of _____, 20____.

My Commission Expires: _____ Notary Public (Affix Seal) _____ Notary's Printed or Typed Name

State of NC - County or City of Catawba

I, the undersigned Notary Public of the County or City of Catawba and State aforesaid, certify that Oscar Vasquez personally came before me this day and acknowledged that he is the Manager of Futuro, LLC, a North Carolina or _____ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 11 day of May, 2020.

My Commission Expires: 06/09/23 Notary Public (Affix Seal) Brenda F. Edge Notary's Printed or Typed Name



State of _____ - County or City of _____ I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that _____

Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____ Notary Public (Affix Seal) _____ Notary's Printed or Typed Name

REZONING ANALYSIS

PETITION: 20-03

APPLICANT: Futuro, LLC & Corbin Harline

OWNERS: Futuro, LLC & Corbin Harline

PROPERTY LOCATION: Northeast and southeast corners of Snow Creek Road and 25th Street Place NE and 25th Street NE.

PIN: 3724-06-48-2558 (The property appears on the Catawba County tax maps as two parcels, but the property is all contained on one deed, thus only one PIN number.)

WARD: The property is currently in the annexation process. Should the property be annexed, it will be located in Ward 3 (Councilwoman Williams).

ACREAGE: 18.264 acres

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

BACKGROUND: The subject property is currently in the process of being annexed into the City of Hickory. The subject property is currently zoned R-20 by Catawba County. Under Catawba County's current zoning, the property may be developed for one and two family residential uses at an intensity of two (2) dwelling units per acre, which could potentially yield thirty (36) new single-family or two-family dwelling units (duplexes).

DEVELOPMENT POTENTIAL: Should the property be rezoned to R-2 (Residential), the property could be developed for single-family residential, at a density of four (4) dwelling units per acre, which theoretically could yield seventy-one (72) single-family dwelling units. This theoretical number is likely not be achievable due to the configuration of the property, as well as topographical challenges. The differences between the existing zone (R-20), and the proposed zoning (R-2); is that duplexes are not permitted, and Hickory's density is greater.

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

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

The area under consideration is identified as Low Density Residential by the Hickory by Choice 2030 Comprehensive Plan's future land use map (**Please refer to Map 1 for detail**).

The general area is classified Low Density Residential by the Hickory By Choice 2030 Comprehensive Plan. (Note: The Hickory By Choice 2030 Comprehensive Plan's Future Land Use map does not contain parcel line data, as the general boundaries of the land use categories are not concrete.)

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 Hickory by Choice 2030 Comprehensive Plan goes on to state; “although the gross density in these areas is proposed to be less than Medium Density Residential, conservation subdivision design principles can provide opportunities for a combination small and large lot development that helps preserve open space and protect environmentally sensitive areas” (HBC 2030, Pg. 3.9)

The R-2 zoning district is not listed as the implementing zoning district for the Low Density Residential classification; however, the density discussed within the quoted section of the Hickory by Choice 2030 Comprehensive Plan clearly states densities up to four units per acre are appropriate for the area. The R-2 district permits density up to, but not more than, four (4) units per acre, 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-2 Residential should be considered to be consistent with the findings and recommendations of the Hickory by Choice (2030) comprehensive Plan.

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

- Implement the Hickory by Choice 2030 Comprehensive Plan;

The area under consideration for rezoning is indicated by the Hickory by Choice 2030 Comprehensive Plan as being a future residential area with residential densities between two (2) and four (4) units per acre.

- 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 current land use pattern of the larger area consists almost entirely of single-family dwellings. This development pattern will continue under the R-2 Residential district, as only single-family residences are permitted under this zoning classification. The future use of the properties is best suited to further the existing development pattern of the area. Public resources to provide critical public services are in place to service the area. These include public utilities and transportation infrastructure.

- Regulate the type and intensity of development; and

Any future development that takes place on the subject properties will be regulated by current and future development standards duly adopted by the City of Hickory and all other government regulatory agencies with jurisdiction to regulate property development.

- Ensure protection from fire, flood and other dangers.

Any future development occurring on the subject properties will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, employees, and properties are properly protected as prescribed by law.

2. Existing land uses within the general vicinity of the subject property (**Please refer to Maps 2 & 3 for more detail**):

- **North**: The properties are zoned R-20 Residential by Catawba County, and are occupied by Single-family residential uses;
- **South**: The properties are zoned R-20 Residential by Catawba County, and are occupied by Single-family residential uses;
- **East**: The properties are zoned R-20 Residential by Catawba County, and are occupied by Single-family residential uses; and
- **West**: The properties are zoned R-20 Residential by Catawba County, and are occupied by Single-family residential uses.

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

The current land use pattern of the larger area mainly consists of single-family residences, and larger wooded properties, which has occurred as planned by the existing zoning district. The proposed zoning district will continue this type of development pattern, as the prescribed density and permissible land-uses are similar.

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

The subject property, and all directly abutting properties are residentially used. Rezoning the property to residential should not have detrimental impacts upon its neighboring properties.

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

Public resources to provide critical public services are in place to service the area. These include public utilities transportation infrastructure, as well as police and fire protection.

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

The subject property is located within an area where the Hickory by Choice 2030 Comprehensive Plan anticipated continued residential development. The future use of the property is residential.

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

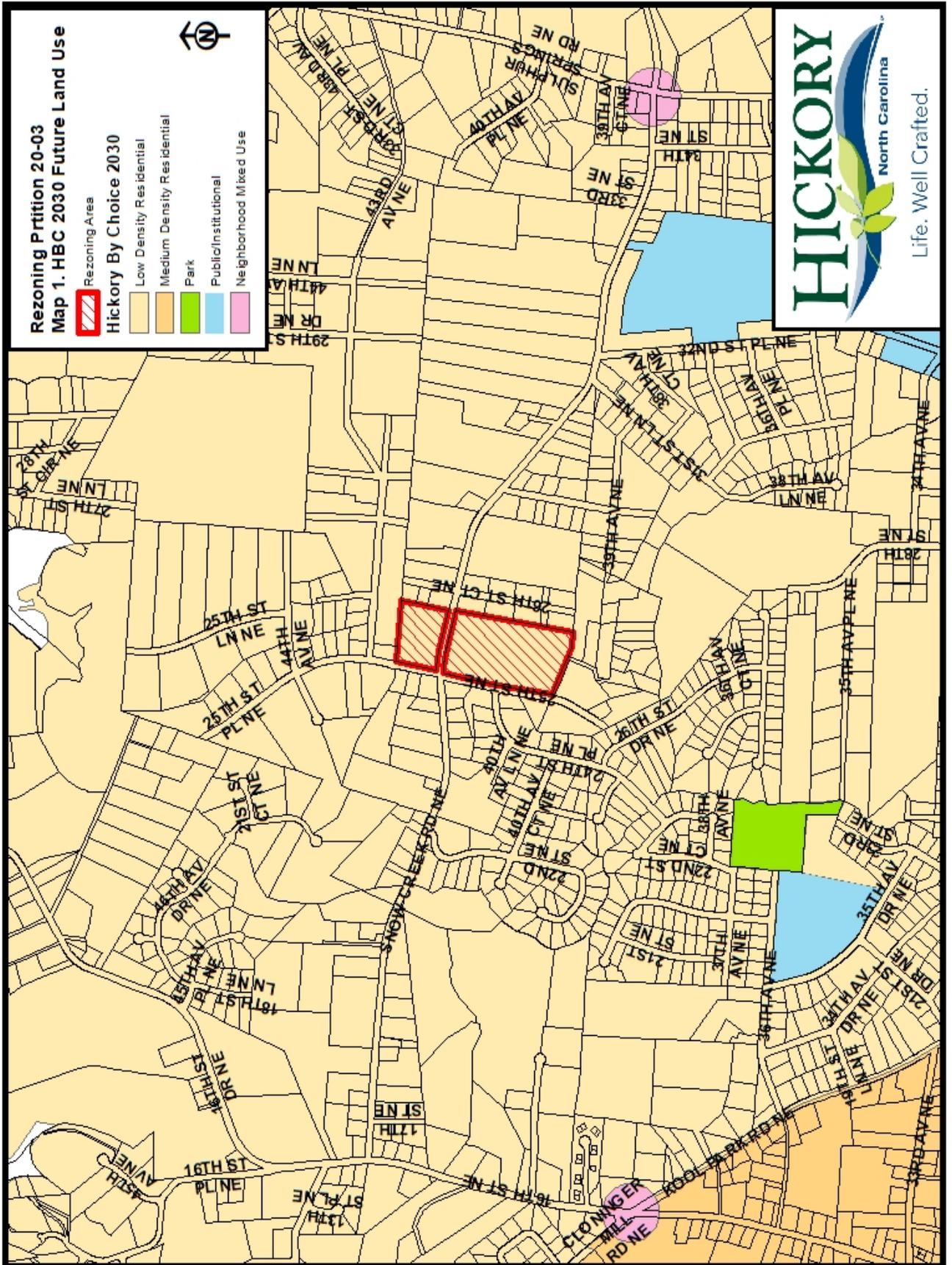
RECOMMENDED ACTION:

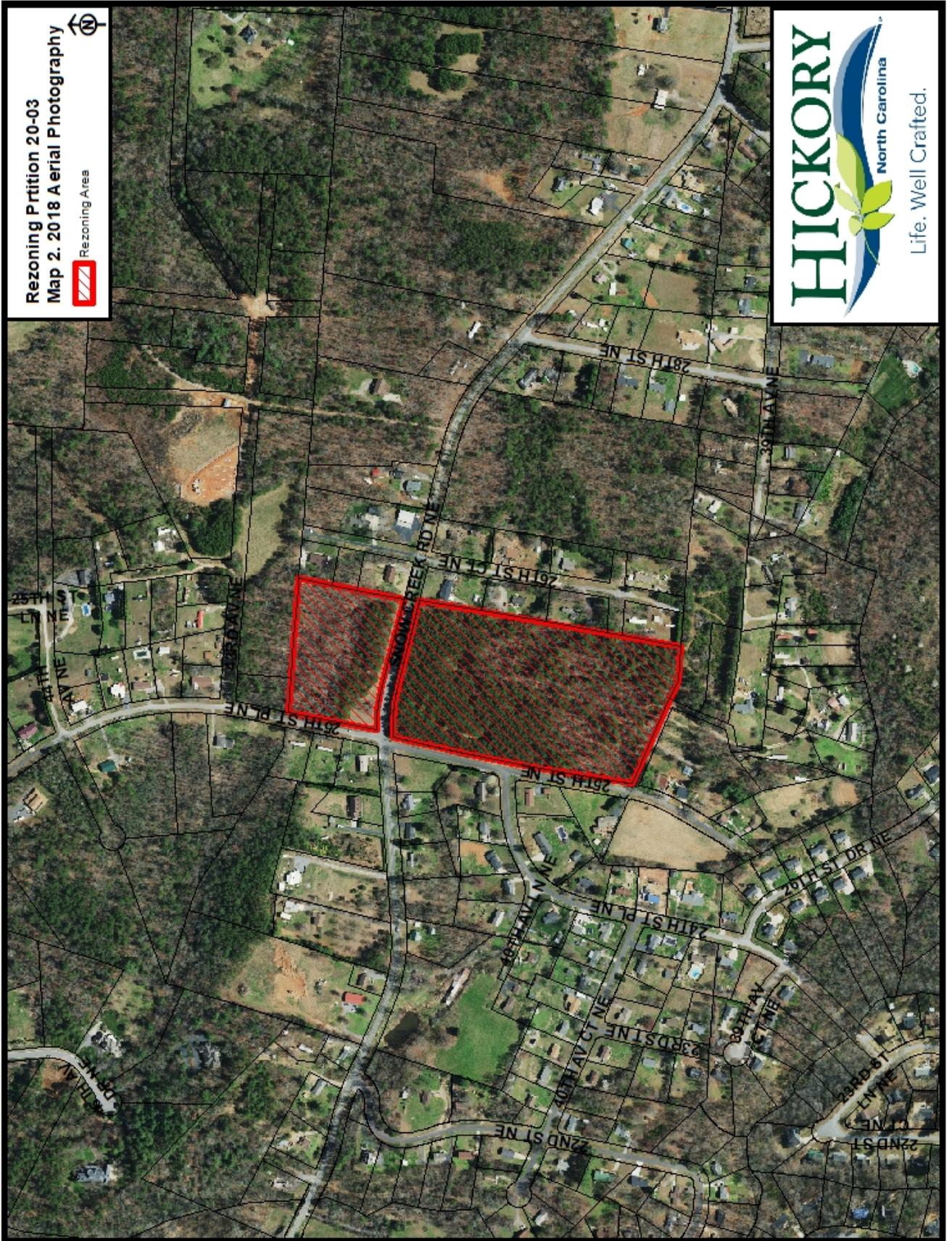
Staff finds Rezoning Petition 20-03 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:

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

CITIZEN INPUT:

As of October 19, 2020, staff has received ten (10) inquiries regarding this petition.





Rezoning Petition 20-03
Map 2. 2018 Aerial Photography
Rezoning Area



