



The Hickory Regional Planning Commission will hold its regular meeting on **Wednesday, September 22, 2021 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 25, 2021 meeting.
- Reading of State Ethics Rules.

### **PRESENTATIONS AND PUBLIC HEARINGS**

**Rezoning Petition (RZ) 21-05.** Request by John R. McCormick for the consideration of rezoning approximately 20.66 acres of property located at 3617 Section House Road, from Low Density Residential (R-1) to Medium Density Residential (R-2). The subject property is shown as PIN 3732-06-28-7944 on the Catawba County Tax Map.

### **OTHER BUSINESS**

1. **None**

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

**Attendance Roster**  
FY 21-22

|            |   |         |    |         |  |                          |  |           |
|------------|---|---------|----|---------|--|--------------------------|--|-----------|
| <b>Key</b> | 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   |     |     |     |     |     |     |     |     |     | Jul-20  | Jun-23 |
| Catawba County | William Pekman  | P   | AX  |     |     |     |     |     |     |     |     |     | Jul-20  | Jun-23 |
| Burke County   | Robert Weaver   | P   | P   |     |     |     |     |     |     |     |     |     | Dec-19  | Jun-22 |
| Ward 1         | Bill McBrayer   | P   | P   |     |     |     |     |     |     |     |     |     | Jul-19  | Jun-22 |
| Ward 2         | Philip Reed     | P   | P   |     |     |     |     |     |     |     |     |     | Jul-21  | Jun-24 |
| Ward 3         | Junior Hedrick  | P   | P   |     |     |     |     |     |     |     |     |     | Jul-20  | Jun-23 |
| Ward 4         | Sam Hunt        | P   | AX  |     |     |     |     |     |     |     |     |     | Jul-21  | Jun-24 |
| Ward 5         | Wallace Johnson | P   | P   |     |     |     |     |     |     |     |     |     | Jul-20  | Jun-23 |
| Ward 6         | Anne Williams   | P   | P   |     |     |     |     |     |     |     |     |     | Jul-19  | Jun-22 |

**Hickory Regional Planning Commission**  
**Wednesday, August 25, 2021, 6:00 pm**

A regular meeting of the Hickory Regional Planning Commission (HRPC) was held on Wednesday, August 25, 2021, 6:00 pm, in Council Chambers of the Julian G. Whitener Municipal Bldg.

**Members Present:** Bill McBrayer, Robert Weaver, Junior Hedrick, Philip Reed, Wallace Johnson, Anne Williams, and Jeff Kerley

**Members Excused:** Bill Pekman and Sam Hunt

**Members Absent:** none

**Others Present:** Planning Manager Cal Overby, Senior Planner Brian Burgess, Deputy City Attorney Arnita Dula, and Minutes Clerk Anne Starnes

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

**Roll Call:** Cal Overby said a quorum was present. Bill Pekman and Sam Hunt were excused.

**Items of Correspondence:** Mr. Overby said copies of two e-mails were at the members' seats, received from two residents of The Cedars who were unable to attend tonight.

**City Council Action:** Mr. Overby said City Council recently approved the rezoning petition submitted by the REC Group in July, for property located at Startown and Robinwood Roads.

**Approval and Signing of Minutes from the July 28, 2021, Meeting:** Minutes from the previous meeting were distributed to members in advance. No additions, deletions or corrections to the minutes were stated. Jeff Kerley moved, seconded by Wallace Johnson, to approve the July 28, 2021, minutes as presented. The motion carried unanimously.

**PRESENTATIONS & PUBLIC HEARINGS**

Mr. McBrayer read the NC Ethics Commission's Ethics Awareness & Conflict of Interest Reminder aloud:

*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 this 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 present stated a known conflict or asked to be recused.

Mr. McBrayer said there were two public hearings on the agenda tonight, and each was a rezoning petition.

**1. Rezoning Petition (RZ) 21-03.** Request by Trivium Corporate Group, LLC for the consideration of rezoning 108.25 acres of property located off Startown Road, from Planned Development (PD) to Industrial-Conditional Zoning (IND-CZ). The subject property is shown as PIN 3721-19-61-2638 and a portion of PIN 3721-19-51-1871 on the Catawba County Tax Map.

**Brian Burgess** presented the Staff Report and referred to PowerPoint slides. He reviewed slide #2 (Rezoning Petition 21-03):

- Property Owners: Trivium Corporate Center, Inc.
- Applicant: Trivium Corporate Center, Inc.
- Location: Startown Road
- Current Zoning: Planned Development (PD)
- Property Size: 108.25 acres
- Background: The properties were voluntarily annexed and are vacant.
- Request: Rezone to Industrial-Conditional (IND-CZ)

Mr. Burgess reviewed slide #3 (Map 1. Hickory by Choice Future Land Use). He noted the subject parcel, and Fairgrove Business Park across the road.

Mr. Burgess reviewed slide #4 (Map 2. Zoning). He pointed out the current industrial zonings nearby, Trivium Corporate Center across Startown Road to the west, and Fairgrove Business Park located northeast of the parcel.

Mr. Burgess reviewed slide #5 (Map 3. Aerial Imagery), saying the subject property was outlined in red, with industrial on either side, and they are looking to close that gap.

Mr. Burgess reviewed slide #6 (Map 4. City Jurisdiction), saying the property is currently within the Hickory City Limits, and is vacant.

Mr. Burgess reviewed slide #7 (Rezoning Petition 21-03).

- The properties are currently zoned Planned Development (PD). The properties are vacant.
- The general area is classified High Density Residential by the Hickory by Choice 2030 Comprehensive Plan.
- The Hickory by Choice 2030 Plan states the following about the High-Density Residential Land Use classification (summarized):
  - Intended to be placed near higher intensity uses.
  - Aims to be near employment centers, as well as commercial sites.
  - Seeks to use main thoroughfares as a focus for business and employment centers.

Mr. Burgess reviewed slide #8 (Findings & Recommendation).

- **Findings**
  - The IND-CZ zoning district is not listed as the implementing zoning district for the High-Density Residential classification: however, the subject rezoning request is to extend an existing industrial district, further eastward toward an existing industrial district. Given the existing zoning of the subject property and its proximity to a major thoroughfare (Startown Road), it would appear reasonable to expand the existing IND district, in the manner requested.
  - Given these factors, the rezoning of the property to IND-CZ should be considered consistent with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.
- **Recommendation**
  - Staff has found Rezoning Petition 21-03 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. Burgess said staff recommends approval of this request. He asked for questions from members.

Mr. McBrayer said the Commission had discussed this property awhile back. Mr. Burgess said Trivium Corporate Center had acquired the parcel, across from the park's current entrance, for residential and/or commercial uses, on the east side of Startown Road. They saw an opportunity to continue their success by now using this parcel.

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

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

Mr. McBrayer opened the public hearing for Rezoning Petition 21-03.

Mr. McBrayer said the Commission's procedure for a quasi-judicial public hearing is to hear from the proponents first, 15 minutes total, followed by the opponents for 15 minutes total. He said after they present their testimonies, there would be time for rebuttal of 5 minutes and surrebuttal of 5 minutes, followed by discussion and voting by Commission members.

### **PROPONENTS**

**Mick Berry** addressed Commission members, saying he is currently the Catawba County Manager, and serves as president of the corporation. He said Trivium Corporate Center is a non-profit organization, a 50% partnership between Catawba County and the City of Hickory. As staff just mentioned, they have developed the Trivium Corporate Center property, which is the most successful business park in Catawba County in a very long time, and they have the opportunity to continue this success with the property across the road. He said Mr. McBrayer's reference to having discussed this property in the past was probably from when it was annexed, and the parcel initially received City and County zoning designations.

**Mr. Berry** referred to Slide #4 (Map 2. Zoning) and noted the existing topo on either side, saying he understands private developers intend to develop the adjacent area, in time, as residential. He personally met with the residents living directly adjacent to the property to discuss their plan and did not have any negative reactions from the residents.

**Mr. Berry** asked if there were any questions from the members, and there were none. Mr. McBrayer thanked him.

No additional proponents were present.

### **OPPONENTS**

No opponents were present.

Mr. McBrayer declared the public hearing was closed.

There was no discussion on Rezoning Petition 21-03 by the members, and Mr. McBrayer asked for a motion to approve or deny the petition.

Jeff Kerley moved, seconded by Philip Reed, to approve Rezoning Petition 21-03. The motion carried unanimously.

Mr. McBrayer said a recommendation of approval would be forwarded to Hickory City Council.

2. **Rezoning Petition (RZ) 21-04.** Request by Amicus Partners, PLLC, as agent for Claudette Franklin and Jean Hedrick, for the consideration of rezoning +/- 35.58 acres of property located at 2909 16<sup>th</sup> Street NE, from Medium Density Residential (R-2) to Planned Development (PD). The subject property is shown as PIN 3714-15-62-4958 on the Catawba County Tax Map.

**Mr. Overby** presented the Staff Report and referred to PowerPoint slides. He reviewed slide #10 (Rezoning Petition 21-04):

- Property Owners: Claudette Franklin & Jean Allen Hedrick
- Applicant: Nicholas R. Parker, P.E.

- Location: 2909 16th Street NE
- Current Zoning: Medium Density Residential (R-2)
- Property Size: 35.58 acres
- Background: The subject property is currently vacant, and was last used for residential purposes
- Request: Rezone the property from Medium Density Residential (R-2) to Planned Development (PD)

Mr. Overby reviewed slide #11 (Map 1. Future Land Use), with the subject property hashed in red. It is located on 16<sup>th</sup> Street NE, which is also known as Sandy Ridge Road. He said this is a Neighborhood Mixed Use area, which exists throughout the city; basically, Hickory's commercial networks are made up of these zones and corridors. The area just beyond this Neighborhood Mixed Use is High Density Residential, with a density recommendation of 12 to 20 units per acre for residential development. Going out further is Medium Density Residential, which permits for multi-family and single-family, and recommends density of 6 to 8 units per acre. He said these are all recommendations from the City's adopted land use plan.

Mr. Overby reviewed slide #12 (Map 2. Zoning). He said with regards to zoning in the vicinity of the subject property, shown hashed in red, the former Lowes Foods shopping center still has some activity in it and is zoned Neighborhood Commercial (NC). Tabernacle Church is located to the west, zoned Office Institutional (OI). Adjacent to Tabernacle is a small business, a classic car warehouse and consignment business, zoned (IND) due to it being a former furniture factory, vacant for many years. Medium Density Residential (R-2) is located to the north and includes a cemetery. He said Argyle Place, to the east, is also a planned development, and noted where Argyle Place is considering building another phase in the future. He pointed out the Lawson's Creek development to the northeast, and The Cedars townhomes, directly north and adjacent to the subject property, which is also a planned development. He said there are several different zoning districts in the area.

Mr. Overby reviewed slide #13 (Map 3. Aerial Photography) and the adjacent uses, pointing out the locations of Lawson's Creek, Lowes Foods shopping Center, Argyle Place and their next phase of development, The Cedars townhomes, the consignment classic cars in the former furniture factory, and the cemetery.

Mr. Overby reviewed slide #14 (Rezoning Petition 21-04).

- Project Specifics:
  - The project concept contains **289 dwelling units** on 35.58 acres, which is a density of **8.1 units per acre**.
  - The dwellings are to include **139 single-family attached units** (townhomes), and **150 single-family detached** cottages.
  - The development plan is designed to utilize **conservation development** techniques.
  - The single-family attached units (townhomes) have been positioned in a manner to continue the **development pattern to the north**.
  - The development would be served by **new streets and internal infrastructure**.

Mr. Overby said the applicant could go into more detail during the hearing, if needed. The cottages will abut the Lowes Foods shopping center, and the townhomes will be located to the north. He said the developer's conservation style design would remove storm water from the property and leave an ample amount of open space, with the new townhomes abutting The Cedars townhomes to the north. He pointed out where the new internal streets would exit from the development, noting one would be directly off 16<sup>th</sup> Street NE and that the NC Department of Transportation (NCDOT) would be responsible for permitting. He said the developer would coordinate per their requirements. Also, there is a small public street between the shopping center and Tabernacle, which will be a secondary access road from the development.

Mr. Overby reviewed slide #15 (Flowers Ridge Sketch Plan), saying this is a preliminary sketch plan, and not an engineered plan. He pointed out the townhomes to the north, an intersecting street with a grass median that divides the townhomes and cottages, and the cottage homes to the south. The divided street that runs east and west through the development, will have an entrance/exit onto the two streets discussed earlier. Again, NCDOT will review the street plans and any improvements or mitigation factors that are included, and they will be the

authority. He pointed out the large areas of open space, storm water retention areas, and the clubhouse location on the preliminary sketch plan.

Mr. Overby reviewed slide #16 (Rezoning Petition 21-04).

- Surrounding Community Characteristics

- The areas to the north and east are residential. These areas contain single-family detached, single-family attached, and multi-family dwellings. The range of densities are as follows:
  - **1.5 units** per acre for single-family detached (Herbert Lee Propst Subdivision)
  - **5 units** per acre for single-family attached (Cedars)
  - **9 units** per acre for multi-family (Argyle Place)
- The areas to the south and west consist of non-residential development, including a shopping center, church, and cemetery.

He said Lawson's Creek has approximately 3-4 units per acre. The houses there are close together, with a 10-foot setback, and the development has been in place for 10 or more years. To the west is a church and cemetery, and a shopping center to the south, which they hope to breathe new life into soon, because it is not good when shopping centers go dark.

Mr. Overby reviewed slide #17 (Rezoning Petition 21-04).

- Hickory by Choice 2030 Plan:

- As shown on a prior map, the area is classified as medium and high density residential.
  - **Medium density residential** is intended to consist of housing at a density of **6 to 8 units per acre**, while **high density residential** is intended to consist of housing at a density of **12 to 20 units per acre**.
- The medium and high-density residential areas are intended to be **located around core commercial areas**, which is how the intersection of 29th Avenue NE and 16th Street NE is classified.
- Some of the larger goals of Hickory by Choice 2030 are:
  - Provide a variety of **housing options** for residents.
  - Promote **infill** development.
  - Locate higher density neighborhoods in **close proximity to goods and services**.
  - Utilization of **conservation development** to protect open spaces and forested areas.

Mr. Overby emphasized the goals and objectives of the Hickory by Choice plan. One is having a variety of housing types, not only to offer choices for current residents, but to help attract residents to the area. Infill development promotes filling in the parcels near already developed areas, where development is already happening, and not going out into areas without development taking place. The same is true for locations with close proximity to existing goods and services; there are some services nearby, such as the shopping center, which needs to be re-energized. He noted some of the developer's ideas for using conservation development were included in the schematic plan presented, again saying it was more of a talking point, since a fully engineered plan had not been designed yet. The final plan might look like this, but it might look a little bit different after going through the entire required process.

Mr. Overby reviewed slide #18 (Rezoning Petition 21-04).

- Development Requirements

- If approved, the developer will be required to submit **fully engineered plans that demonstrate compliance with the concept plan**, as well as all other local and state requirements.
- Development plans must **meet design standards** for roadway, utility, stormwater and fire protection.
- Development plans would also require the review of the **NC Department of Transportation** for connection to 16th Street NE.
- The plans will be reviewed and approved **prior to the initiation of development**, with the exclusion of general site clearing and grading.

Mr. Overby reviewed slide #19 (Findings & Recommendation).

- **Findings:** The proposed Planned Development rezoning aligns with the strategies and goals of the Hickory by Choice 2030 Comprehensive Plan in the following manner:
  - *The development density proposed is on the lower range of the density envisioned (6 to 8 and 12 to 20 units per acre.*
  - *The envisioned land-uses in the development are like those of the surrounding area.*
  - *The concept utilizes an infill parcel to mitigate utilizing open areas on the periphery of the city.*
  - *The proposal includes two types of housing types. The cottages are a new arrival to the city and provide a product that further diversifies housing opportunities within the city.*

Given the information provided by Hickory's comprehensive plan, and the concept provided by the applicant, the **requests is consistent with the plan's recommendations.**

- **Recommendation**
  - Staff has found Rezoning Petition 21-04 to be consistent with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:
    - The Planning Commission move to affirm the rezoning petition's consistency with the Hickory by Choice 2030 Comprehensive Plan;and
    - Forward a recommendation of approval to Hickory City Council.

Mr. Overby said staff recommends approval of the rezoning request. He asked for questions from members.

Mr. Kerley asked if the property is in the St. Stephens Schools district. Mr. Overby said yes, it is just outside of the Hickory School district. Mr. Kerley asked if the children would attend St. Stephens Elementary, Arndt Middle, and St. Stephens High School. Mr. Overby said yes, he believed so; some changes were made a few years ago, but he believed that was correct.

Mr. Kerley asked if water and sewer were already on the site. Mr. Overby said yes, there is a sewer line on the property, which the developer has indicated he would need to relocate, and there are waterlines all along 16<sup>th</sup> Street; there are ample utilities. He said they had actually checked to be certain all of it was already in place before the developer went too far, because if the infrastructure is not there, the development will not happen.

Mr. McBrayer referred to slide #15 (Flowers Ridge Sketch Plan) and asked if the street on the right-hand side was 16<sup>th</sup> Street, also known as Sandy Ridge Road, and Mr. Overby said yes. Mr. McBrayer said, so then the entrance will be just down the road from the traffic light of 16<sup>th</sup> Street and 29<sup>th</sup> Avenue. Mr. Overby said correct, that this is the initial idea, but NCDOT might change it when they have their say. Mr. McBrayer said and then just down the road you would turn right into Lawson's Creek and left for The Cedars. Mr. Overby said yes, and that he would imagine there would be some new deceleration turns along that road, some turn lanes, just based on his own experience. Mr. McBrayer said that he would hope so.

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

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

Mr. McBrayer opened the public hearing for Rezoning Petition 21-04.

Again, Mr. McBrayer said the procedure would be to hear from the proponents first, 15 minutes total, followed by the opponents for 15 minutes total. There will then be 5 minutes of time for rebuttal and 5 minutes of surrebuttal, followed by discussion and voting.

## **PROPONENTS**

**Nicholas Parker**, 30 Union Street South, Concord NC, addressed Commission members and referred to PowerPoint slides. He is the president of Amicus Partners, PLLC, a land planning civil engineering firm, based in Concord. He said Mr. Overby had been very gracious in working with them, as had other planning staff, the City's engineers, fire department staff, and others.

Mr. Parker reviewed slide #1 (Flowers Ridge: An Innovative Neighborhood Development). His firm has prepared a comprehensive plan they hope would make the town proud.

Mr. Parker reviewed slide #2 (Site Introduction).

- Parcel ID: 371415624958
- Total Site Area = 35.6-acres
- Current Zoning = R2
- Proposed Zoning = PD Conditional District
- Adjacent Properties
  - PD
  - NC
  - OI
  - R2

Mr. Parker said he would not go through this slide info in detail, because Mr. Overby had already touched on much of it, including the site land area, zoning, and adjacent properties, and so forth.

Mr. Parker reviewed slide #3 (Project Scope).

- Flowers Ridge is a planned development that features quality-built cottages and townhomes designed around low impact development principles in a traditional neighborhood development that promotes pedestrian connectivity and social interaction.

He said a lot of what their firm specializes in is developing what they like to call “innovative communities” which are more pedestrian friendly, and they tend to steer away from the bigger traditional houses on a traditional street. They like to implement impact development practices. His specialization is actually storm water management, which their firm is recognized for in the Charlotte market. They like to design and develop communities that promote not just pedestrian activity, but also social interaction.

Mr. Parker reviewed slide #4 (The “Vision”).

- Destination Community
- Direct pedestrian connectivity to existing neighborhood retail/restaurants
- Blend of Product and Architectural Styling
- Abundant Greenspace and Pocket Parks
- Emphasis on Low Impact/Light Imprint
- Emphasis on Social Connectivity
- True Front-Porch Living

Mr. Parker said the vision for Flowers Ridge is for it to be a destination community for Hickory, which may be a little cliché, because every developer probably comes up here and presents a project that they say will make Hickory a destination. They feel like this project will truly do that, because they are offering a product that Hickory does not have; it is something they have developed in communities in and around the Charlotte market, and it has been extremely successful. Part of their attraction to this site was the connectivity to the existing neighborhood retail and restaurants; he knows the grocery tenant left the shopping center, but hopefully these rooftops will help propel that in a new direction.

Mr. Parker said they like to provide a blend of not just product and architectural styling, but varying products that fit different people's demographic and social needs. They emphasize greenspace and pocket parks, and connectivity through linear parks that do not require you to get out on the street to get from point A to point B; they emphasize a light footprint, connectivity, and what they like to call true front porch living.

Mr. Parker reviewed slide #5 (Development Summary).

- 35.6 acres +/-
- 14.2-acres common open space (40%)
- Approx. 8 units to the acre
- 289 units total
- 150 Village Cottages
- 139 Townhomes
- 610 parking spaces (garage and off-street parking)

He referred to the breakdown list, noting there would be 8-units per acre, and of the 35.6-acres, approximately 14-acres of the site, or 40%, will be dedicated to passive and active open space.

Mr. Parker reviewed slide #6 (Preliminary Schematic), saying they also understand that sufficient parking is important, so they provided more than two parking spaces per unit, including a garage, driveway, and dedicated off-street parking. He said the intent of their design was to provide the higher density village cottages near the existing neighborhood retail, and with the more traditional townhome units located adjacent to the existing townhome units to the north.

Mr. Parker noted the divided entryway, saying it would be an in-and-out egress, divided in the middle. All the spaces between the units are greenspaces, and the units actually open out to sidewalks that connect to the amenities. They are proposing a 20-foot undisturbed buffer around the perimeter of the project, and sufficient storm water management. He said what is shown on the schematic is for the purpose of this presentation only, and they actually have stream and wetlands consultants scheduled to come and visit the site next week. If they identify areas that exist within this that may not be impacted because of their environmental sensitivity to the site, then the site plan will be modified to avoid that. This is not just due to them being an environmentally conscious developer, which is what they want to be, but is also part of state's requirements.

Mr. Parker reviewed slide #7 (Village Cottage: Site Layout Elements & Building Elements).

#### **Site Layout Elements**

- Minimum 2 parking spaces per unit
- Most Cottages face Linear Park
- Some feature 2-car garage
- Shallow front setback

#### **Building Elements**

- Craftsman Style Architecture
- Large Front Porch
- Building Set close to Street
- 1-, 2-, and 3-bedroom floorplans

Mr. Parker said this was a rendering of their Village Cottage product, Craftsman-style architecture with an emphasis on the front elevation and porch. The units have parking located behind them and some of the units will have 2-car garages. The buildings are close to the street, and the units have 1-, 2-, and 3-bedroom floorplans.

Mr. Parker reviewed slide #8 (Village Cottage Renderings), saying this is a representative example, and that they are not yet fully committed; they want to control the architecture and design of the project, and not let the builder dictate what they are going to do. However, they have already done some of this in the Charlotte market, with extreme success.

Mr. Parker reviewed slide #9 (Front Load Townhomes: Site Layout Elements & Building Elements).

#### **Site Layout Elements**

- Minimum 21' lot
- Front Load
- Staggered Min. 1-ft between units
- Driveway to accommodate 2-vehicles

#### **Building Elements**

- Relatively simple geometry but with dormers, wings, and bumps outs to create visual complexity
- Carriage style garage doors
- Mix of building materials

Mr. Parker said these units represent the elements of architecture that they intend to implement in this project, where even though they are a front load product, they will stagger the horizontal plane between the units to provide breaks, so it is not just a solid horizontal face and would accommodate two vehicles. The geometry is simple, but by providing dormers, front porches, and interior-styled garage doors, as shown, it creates a more esthetically appealing product than some townhomes that national builders are building.

Mr. Parker reviewed slide #10 (Potential Amenities).

- Clubhouse
- Pool
- Cabana

He said the amenities listed would be provided for residents of the development.

Mr. Parker reviewed slide #11 (Site Design – Low Impact Development).

- One of the goals of Flowers Ridge is to be forward thinking in how our storm water is conveyed, treated, and detained on site. We want our storm water to be an “amenity” and not just an eyesore that detracts value from neighboring lots.
- Flowers Ridge will work closely with our builders, Hickory, and NCDEQ to create Best Management Practices with both form AND function.
  - Shallow Detention “Parks”
  - Decentralized Best Management Practices (BMPs)

He said he was aware that one concern of adjacent residents is the storm water, and that they deal with this on almost every project they take on; it is why the state and Hickory have implemented storm water requirements for any development. Part of what they do is to make their storm water structures an asset to the community and not an eyesore. They design storm water features that can be integrated into the active open space of the development.

Mr. Parker reviewed slide #12 (Photos of storm water spaces), saying the slide photos were examples of what he meant by designing storm water features that could be integrated into common open spaces.

**Retention – Passive Space:** The upper right photo is a traditional wet pond. It is planted with native species that thrive in that type of environment, using natural stone and creative spillways, making it an attractive feature in the development.

**Shallow Detention – Active Space:** The upper left and bottom photos each show shallow detention storm water measures that are integrated into the common open spaces. During non-storm events, they look like a pocket park, but during active storm events, they might have 6-inches of water in them. They provide not just detention, but also primary treatment.

Mr. Parker said their goal is always to make the storm water impact less than what it was before the land was developed. In addition, regarding the NC Department of Transportation (NCDOT), he said some conversations had already taken place with them. Some roadway improvements will be done, including a left-hand turn lane and right-hand deceleration lane into the development, off 16<sup>th</sup> Street.

Mr. Parker said he appreciated the opportunity to make his presentation and asked if there were any questions from Commission members.

Mr. McBrayer thanked him, and clarified that Hickory is designated as a city, not a town.

Mr. Kerley asked if they had started work, and Mr. Parker said not yet.

There were no further questions for Mr. Parker, and no other proponents spoke.

Staff received e-mails from **Merrill Lester** and **Mack Holcomb**, two residents of The Cedars who were unable to attend tonight. Copies were provided to members.

## **OPPONENTS**

**Jim Coniglio**, 3131 9<sup>th</sup> Street Drive NE, #33, in Hickory NC, addressed Commission members, saying he came in without a position of being in favor or not, that he is here for information. He is a resident of The Cedars, adjacent to the woods, which are right behind his townhouse. After coming here to visit his family and grandkids for over 20-years, he now lives in Hickory, residing at The Cedars for just over 2-years.

Mr. Coniglio said he had wondered, while watching the property clearing happen, what is going to happen to the woods, are they going to be leveled completely? He said the developer talked about creating a barrier; is that going to be 20-feet of open space, woods, or hedges, and how will they be protected from the construction sound? He said this comes to mind quickly, because he will be living with the construction for a period of time, and he wondered when it would start, and how long it would take to finish.

Mr. McBrayer said he believed Mr. Parker had mentioned putting a 20-foot buffer around the entire project. Mr. Coniglio asked what the buffer would be, and Mr. McBrayer said that Mr. Parker could come back to address that question later in the hearing. Mr. Coniglio asked, if approved, when the start-up would occur, and how many years it would take to complete. Mr. McBrayer said that is another question for Mr. Parker to address later.

Mr. Coniglio said the drainage ditches are currently an issue within The Cedars, and the residences are adjacent to a drainage flow, so he is curious how that is going to be addressed, aside from the retention ponds. He said those drainage ditches are a real issue for their residents every day, especially during a hard rain, such as was taking place tonight. He said they must make a turn off 9<sup>th</sup> Street Drive NE and onto 16<sup>th</sup> Street, or Sandy Ridge, and he hopes the guy who designed The Cedars is okay these days. And what about future traffic; at one time, there was an idea for a traffic circle at the intersection of 29<sup>th</sup> and 16<sup>th</sup>, but it went away for some reason, financial or whatever. He said they are going to see real serious problems with the number of cars coming out of there. Not everyone is retired; you have all the kids coming out to get to their jobs in the morning and going home in the evening. Right now, they already have traffic issues. He knows that providing left and right turn lanes was discussed as an expansion on 16<sup>th</sup>, but there are already major issues with getting in and out of their community.

Mr. Coniglio saw that sidewalks are being proposed for the development. He wondered about the streets, asking if there would be City streets in the new construction, or subdivision streets that do not meet City code and must be maintained by the HOA. Mr. McBrayer said, again, Mr. Parker would need to answer his questions. Mr. Coniglio again said he was curious how long it would take to build it out, and that he brought a list of other questions to ask but would not dwell on those now.

Mr. McBrayer said he had planned to save this comment until later in the hearing, but that if the petition does not pass, there will be nothing to worry about. But if it does pass, he thinks it would be a great idea for the developer to hold a community meeting with residents of The Cedars and answer everyone's questions. He asked if The Cedars has a clubhouse, or common area, where they could gather for a meeting and show everyone who did not attend tonight exactly what it will look like, what it will be, how it will affect everyone nearby, etc., all the questions that Mr. Coniglio is asking and that everyone else probably has in their head. Mr. McBrayer believes that would be a smart move for the developer to make. Mr. Coniglio said he is president of The Cedars HOA and has received questions from their residents. They have taken a position, basically to come here tonight for information, meet again, and then take a position that will be relayed to their residents.

Mr. Coniglio said he would conclude his questions and remarks. There were no questions from members, and Mr. McBrayer thanked him.

**Shirley Anthony**, 3131 9<sup>th</sup> Street Drive NE, #37, in Hickory NC, addressed Commission members. She said that, just like Mr. Coniglio, her townhome backs up to the woods, the line where The Cedars ends, and this proposed development would be built. However, she would like to talk about traffic tonight. She knows many of their residents have other issues, but yesterday afternoon, she was coming home on 29<sup>th</sup> Avenue just as Tabernacle

School let out. The car pick-up line on the road by Tabernacle was coming out onto 29<sup>th</sup> Avenue, which becomes McDonald Parkway. It is always a busy street; during school times, it is horrible. If you take into consideration the fact that, not only does The Cedars come out onto Sandy Ridge Road, you also have The Pines development, Colony Woods development, Lawson's Creek development, traffic coming from the Catawba Springs area that uses Snow Creek Road over to Sandy Ridge, but you also have a great bit of traffic that is coming from Alexander County, crossing the bridge and taking Cloninger Mill Road over to Sandy Ridge. So, to get out or in between 8:30 am and 5:30 pm is horrendous. To add another 289 units to that situation, and obviously not everyone will be leaving at the same time, but if you consider two (2) cars per unit, which would be normal, especially for a family, the traffic is going to be impossible.

Ms. Anthony said she has other concerns, and especially with what happened yesterday when she passed Tabernacle School at the car back-up time and thought, good heavens, how in the world is it going to work. She had heard talk that 29<sup>th</sup> Avenue was going to be 4-laned from the intersection out to McDonald Parkway, but that was the same talk as saying there would be a roundabout put at the intersection, and she did not know what happened to any of that. She said 29<sup>th</sup> Avenue is also only 2-lanes all the way to Highway 127, and it just simply cannot handle all that traffic. Other than the traffic, Ms. Anthony said please do not take her woods away, and thank you. Mr. McBrayer thanked her.

Mr. McBrayer said he was saying this with the utmost respect, but that if the others who signed up to speak want to say the same thing, could they please say "ditto" and sit back down. However, if they have other things, they want to say that might be pertinent to the members' decision here tonight, then by all means they would welcome hearing it.

**Connie Morrison**, 3131 9<sup>th</sup> Street Drive NE, #39, in Hickory NC, addressed Commission members. She said her townhome also backs up to the woods, but she had nothing to add at this time to what the others have said, so she would sit back down and leave any additional comments to the others. Mr. McBrayer thanked her.

**Bill Schreiber**, 3131 9<sup>th</sup> Street Drive NE, #8, in Hickory NC, addressed Commission members, saying he did not about the woods or development property, that his townhome is located on the other side of The Cedars. His concern is primarily with the storm water runoff. He knows Mr. Parker was addressing that, but it has been a major concern in The Cedars community. Just looking at the rain falling outside right now, it is probably ½ to 1-inch of rain. With the water that comes off The Cedars' rooftops, you are looking at about 87,000 gallons for 1-inch of rain, based on the square footage of 62 units, so he is concerned, in addition to having spoken to their property manager, who manages other properties down the hill from them, such as Pebble Creek. With the water runoff and things of that nature, it is a big, big concern of his. How much is impervious surface, and by that he means tar, pavement, roofs, and sidewalks, and what is the impact of the water. Mr. Schreiber said they were all aware that, in the past 2-years, there have been at least one or two rainstorms of at least 5-6 inches of rain in their neck of the woods, and significant flooding from the storm water. The ability to handle that water has not been very good in their area, he would definitely say, so that is his biggest concern. The plan they laid out and the esthetics, he thinks that is pretty neat. He has seen several similar places and agreed with what Mr. Parker was saying, but he would just say that their residents want to make sure they appropriately address these concerns.

The other thing Mr. Schreiber wanted to say was that the developer had mentioned detention vs. retention. (Mr. Parker's [Slide #11](#), Site Design – Low Impact Development, was returned to the screen). Mr. Schreiber said he would really be concerned about a retention pond, with bugs and such in it. He thinks the detention areas and active spaces are a better fit for them, but again, he wants to know if there is a way to address the bugs, so they will not have to deal with that.

Lastly, Mr. Schreiber asked if a traffic study has been done – has DOT done a traffic study or are they planning to do a traffic study. He travels in the other direction to go to work in Caldwell County, and he is excited every day when he goes the other way, while hundreds of cars are going in the other direction. It is very much a challenge for them, and certainly, if they were going to add something new like that development, they would need to expand that roadway to at least a center turn lane, all the way down the roadway, not just a turn in and turn out.

He said in the end, it would not be Mr. Parker's problem, it would be the City's problem. He thanked the members for their time, and Mr. McBrayer thanked him.

**David Andrews**, 3131 9<sup>th</sup> Street Drive NE, #46, in Hickory NC, addressed Commission members, saying he has been a resident of The Cedars for 11, maybe 12 years. He was not aware that he was going to be asked to speak, but in his brain, he does know this – any time any developer goes into business, he always starts in reverse. They buy this land and sell these houses, and where are they going to start in year-one; are they going to be \$100,000, \$200,000, or \$300,000, and go on up, based on whatever the market would be? So naturally, the residents would be concerned about their own level of value, who will be attracted, and what kind of profile would the buyers and people have. He was, and still is, concerned about rental property. They have imposed (a regulation) on themselves that you cannot own a unit and just rent the unit out, because they are so proud and pleased, thinking they live in the best planned development in the city or county. He said that is just one point he wanted to make, but what the other residents have said here about the traffic is paramount. He heard the left-turn and right-turn lanes mentioned, and they are imperative; otherwise, the residents are all trapped, and nobody will like you, and nobody will like them. He does not think the residents have been too aggressive here so far, just protective.

Mr. Andrews said he had been thinking the same things that the others discussed and would not go over them again. However, he noticed that one of the recommendations was for a corridor, or an area, which he did not think was called a park area, but he believes that it should be located in-between The Cedars townhomes and the new development, instead of building the development right up against The Cedars residents. He said he could go on, but would not, and thanked the members. Mr. McBrayer thanked him and said that was a great idea.

**Leslie Garvett**, 3131 9<sup>th</sup> Street Drive NE, #45, in Hickory NC, addressed Commission members, saying her backyard is in-fill, and so close to the new townhomes that she would probably be able to throw a quarter and touch it. She is concerned about the 20-foot barrier, too. This is going to be a planned community, and she would think it is going to be fenced-in if it is going to have that “look” to it.

Ms. Garvett said all her questions had been answered except for one. They have tried to contact the sisters who own the property for years, regarding dead trees, and trees that are in danger of falling on The Cedars property. They have sent certified letters to the sisters (who own the subject property), but the letters have always been returned to them. So, her question is, what is going to happen to those trees if this development happens? Are they going to take care of them, are they going to address them? Mr. McBrayer said he did not know.

Ms. Garvett said that was all she had to say, and Mr. McBrayer thanked her.

Mr. McBrayer said the 15-minute time limit had been reached, and there was one more speaker signed up. If the board would like to extend the time, he would entertain a motion.

Jeff Kerley moved, seconded by Ann Williams, to extend the allotted time for the remaining opponents to speak. The motion carried unanimously.

**Michael Garvett**, 3131 9<sup>th</sup> Street Drive NE, #45, in Hickory, signed up to speak, but declined.

**Jackie Baker**, 3185 9<sup>th</sup> Street Drive NE, addressed Commission members, saying he owns property right below The Cedars, which is a great planned development. The main concern he would have is flooding on his property, which would be a major issue when these heavy rains come up. He has 12-acres, with a creek in the middle of it. Right now, it has not really been much of a problem, but when you get 5, 7 or 8-inches of rain, then the water has to come out of the banks, and it is even worse on downstream. He thinks a nice development has been presented; it is a lot of homes, and he also has traffic concerns. He said the city needs to step up and do more for that area anyway, but his biggest concern would be the flooding. The holding ponds shown on the drawing look like they are on the back of the property, which is where his property is located. Maybe there could be another fishing hole, they already have a pond out there. He said that was his only concern, and Mr. McBrayer thanked him.

**Scott Hooks**, 614 46<sup>th</sup> Avenue Drive NE, in Hickory, addressed Commission members, saying he currently serves as pastor of Tabernacle Baptist Church in Hickory, and is the president of Tabernacle Christian School. He apologized about the traffic earlier this week, noting it was much better today; they are working on it, but on the first day of school, the car line gets tough.

Rev. Hooks said he recognizes and supports the need for more housing in the community; they have hired staff, who then moved to Hickory. They employ about 53 people who work in their Christian school and church and have hired staff from different areas who cannot find housing right now. There definitely is a need for housing. He appreciated the folks from Amicus Partners reaching out to them to discuss some of their thinking about this project, saying that his church is currently in the process of negotiating with the owners of Sandy Ridge Square, the former Lowes Foods shopping center. He said their church and school have grown in recent years, and they are very grateful to God for that, it is a blessing on their ministry. Their school has doubled in enrollment over the last 4-years and they need more property. The owners of Sandy Ridge Square reached out to them, and their church voted overwhelmingly to purchase that property and then, God willing, they will begin to develop it for education and worship. They will also continue, God willing, to lease some of that space to the shopping center. So that is their plan.

Rev. Hooks has spoken with some other folks at Amicus, and he wanted to give them a lot of credit for being responsive to him. He said the church was in no way necessarily at all in opposition, but their concern would be the boulevard entrance into the shopping center between the Tabernacle Church location and the shopping center, and the use of that boulevard, which would eventually dissect their campus. They will have a number of students on that campus. Their current Christian school enrollment is 360 and they have a summer camp that also operates, so they are in operation year-round. This past summer, they had 248 children ages 3 through 8<sup>th</sup> grade enrolled in their summer camp. He has full confidence that the developers of this property will work with them, but their concern is the traffic on 16<sup>th</sup> Street, or Sandy Ridge Road, and along the front of their school property, because they do not want to be a nuisance to their neighbors. Again, they intend to use that boulevard entrance for school entry and exit on weekdays, for the families who have their children enrolled in their Christian school.

Rev. Hooks said those are just some thoughts and concerns from them. They know the need for housing is a real need in the community, and he appreciated the opportunity to speak here. Mr. McBrayer thanked him, and said he had the thought earlier that the shopping center would make a great expansion location for Tabernacle's school, so congratulations on that.

No other opponents were present to speak.

Mr. McBrayer said there would now be 5-minutes of rebuttal by the proponent, noting he kept a list of the opponents' questions if they are needed.

### **REBUTTAL – PROPONENTS**

Mr. Parker said he appreciated all the neighbors coming out tonight to make comments and ask questions, and that he would address three of their concerns with the 5-minutes allotted him.

First, the traffic situation. Yes, they have spoken with DOT. Anytime a new development is planned, what he would call "put into service," it is the DOT's mindset that their development cannot decrease what they call the level of service. It is not a responsibility of the developer to increase the level of service of the existing infrastructure. Improvements the DOT is requiring them to make, based on their study, is to the point where they are not decreasing the level of service, and that is why the improvements they are making on Sandy Ridge Road are being made.

Second, the storm water. Mr. Parker said he hears what everyone is saying, and that he would say this: he could do a use-by-right development on the property at 4-units to the acre and, quite frankly, have more impervious area than what he is proposing now. His firm takes extreme pride in their developments, and they understand that storm water is an issue. Mr. Parker said (as he turned to look at them), he would gladly meet with residents of the town home community and review their current storm water issues, although for them, it is mitigating the storm

water that is coming on to their site, not just the storm water within their site. That is something that, from an engineering perspective, they must analyze and evaluate. Another thing they typically do is to go above and beyond what is required of them. He has been doing this for 20-years; he knows what works and what doesn't. If his name is on it, he is a professional and it will be done correctly.

Third, the buffer. Mr. Parker said they understand the need for some sort of vegetative separation between what is current and what is proposed. What they are proposing is a 20-foot undisturbed buffer. When that property changes hands, he will gladly walk the tree line with The Cedars residents, and any trees that are a nuisance or need to be taken care of, they will gladly do it. Furthermore, he made an offer to increase that buffer from 20-feet to 40-feet, to help further provide an effective separation between the two developments.

Mr. Parker concluded and thanked the members.

Mr. Kerley asked if any consideration had been given to price points. Mr. Parker said it was going to be dependant on the market. If the market stays the way that it is now, due to high demand for housing in this community, those townhouses could be in the high 2s or low 3s, if not more. He thinks it is really just going to depend on where things are at the time.

Mr. Parker remembered an earlier question regarding the construction timeline. He said it would be 6-9 months of actual heavy construction, with grading, roadway, and infrastructure work, noting that they limit their workers' time on the site, and do not let them go out there from 7 am until 9 pm, non-stop. They do control the hours.

Mr. Reed said Mr. Parker answered one of the residents' questions, saying the existing vegetation would stay in that buffer area if it could be retained. He said, so it is not as if they will disturb it and then plant small bushes, but they will leave the existing trees, or whatever, where they can. Mr. Parker said correct but noted that tree lines are not consistent; he could go to one spot within their project and there would be beautiful hardwoods, and the visual separation, even in the wintertime, would be perfect. But then, he could go 3-feet down the tree line and see straight through it. For them, that means working with the City of Hickory and their Planning Department, and the neighbors. If that buffer is not sufficient, per say, they typically have a note in their construction documents that says existing vegetation will remain, but to supplement it as needed, based on the planning staff's recommendations.

Mr. McBrayer thanked him.

### **SURREBUTTAL – OPPONENTS**

Mr. McBrayer said there would now be 5-minutes of rebuttal by the opponents.

**Michael Garvett**, 3131 9<sup>th</sup> Street Drive NE, #45, was signed up to speak, but he declined earlier. He now addressed Commission members, asking what the procedure would be going forward, following this hearing. Mr. McBrayer said that after closing the hearing, the Commission would hold a discussion among their members, followed by a motion to either approve or deny this petition. If members vote to deny it, then the petition is denied; if it is approved, then it goes to Hickory City Council at one of their future meetings. So, the buck does not stop here if it is approved. Depending on your viewpoints, you could bring the same people, or bring more or less people, to make your same presentations to City Council, and they will make a final decision during their public hearing. He said sometimes City Council agrees with the Planning Commission, sometimes they do not.

Mr. Garvett asked if, when the members make their decision, will it be made based on Mr. Parker's word, stated here, that he would increase the buffer to 40-feet. Mr. McBrayer said Mr. Parker is now on public record as having said it. Mr. Garvett said thank you.

Mr. McBrayer asked if any other opponents wanted to present rebuttal.

**Bill Newton**, 3131 9<sup>th</sup> Street Drive NE, #44, addressed Commission members, saying he lives in The Cedars and is concerned about the trees behind his unit. Some of the trees are over 125-feet high now, and a good breeze

would land them right on his roof. He said the trees need to come down, and suggested they plant some cedars or something else.

Mr. McBrayer thanked him, and said the members are not here to make decisions other than whether or not to rezone this property. He again stated that if it is not approved, then it is not approved; but if it is approved, it would then go to City Council and their decision will be final. He suggested it would be in the best interest of Mr. Parker, residents of The Cedars and the others here tonight, to hold a meeting and discuss the project further.

**Bill Schreiber**, 3131 9<sup>th</sup> Street Drive NE, #8, addressed Commission members, saying he is Vice-President of the HOA at The Cedars. He said that, on behalf of the HOA and having not consulted with anyone else, he wanted to accept Mr. Parker's offer to come and visit with The Cedars residents and hold the discussion the Chair has suggested should occur.

Mr. McBrayer thanked him and said the rebuttal time had ended unless someone else would like to present rebuttal. No additional speakers came forward.

Mr. McBrayer declared the public hearing was closed. He asked for discussion by Commission members.

Mr. Kerley said he had a couple items to discuss. He grew up in St. Stephens, attending St. Stephens Elementary School and St. Stephens High, so these developments are right in his backyard. If he remembers correctly, back when The Cedars was developed, it was strongly opposed; no one wanted it in their backyard. But The Cedars turned out to be a very nice neighborhood and everybody loves it. He said development is something that has to happen and, as the Tabernacle pastor said, we badly need more housing. And we especially need housing in this area; we need some rooftops.

Mr. Kerley said many questions were around rooftops and that, as you know, DOT works backwards; you have to have numbers before DOT is going to increase your roads. They are not going to build a big road before you develop; they are going to wait for development to come in, and when the numbers get right, they will come in and widen the roads. That is how DOT works, unless they are broke. It is all up to DOT; those are not City streets. Both 29<sup>th</sup> Avenue and Sandy Ridge Road are both DOT controlled roads, so it is going to be up to the DOT. He (the applicant) is going to have to make turn lanes and deceleration lanes, but it is going to be up to DOT to widen the roads, down 29<sup>th</sup> Avenue to the west, or east out to McDonald Parkway.

Mr. Kerley said the first day of school was this week, and people here have talked a lot about that. He has been around here for a long time; three or four days from now, just wait, it will all be smooth as silk, just like it was before. He said once this is turned over to the City of Hickory, they are going to have to go through traffic studies and hold numerous discussions, including on the storm water issue, which is Mr. Parker's background. Mr. Kerley said he believes many of the questions that were brought up here are good, but in the realm of things, most of these things are being handled well in his opinion.

Mr. Weaver asked the average length of time The Cedars residents attending the hearing had lived there. Mr. Schreiber quickly consulted with the other residents, and said the consensus was an average of 7-8 years; the low end was 2-years, and the high end was 15-years.

Mr. McBrayer asked if there was any further discussion. There being none, he asked for a motion to approve or deny Rezoning Petition 21-04.

Wallace Johnson moved, seconded by Robert Weaver, to approve Rezoning Petition 21-04. By a show of hands, the motion carried unanimously.

Mr. McBrayer said Rezoning Petition 21-04 had been approved, and a recommendation of approval will be forwarded to City Council. He thanked residents of The Cedars for their interest and coming out tonight, and that as he said earlier, this does not stop here. The Commission's recommendation will go to City Council for consideration, which is the final opportunity for residents and others to express their opinions and concerns.

Mr. McBrayer asked when the rezoning would be on Council's agenda. Mr. Overby said they expect the public hearing will be on Tuesday, September 7, 7:00 pm, noting that neighbors of the property would again be notified in advance.

**Other Business:** Mr. McBrayer asked if there was any other business for members, and there was none.

**Next Meeting:** The next regular meeting is scheduled for Wednesday, September 22, 6:00 pm.

**Adjourn:** There being no further business, Mr. McBrayer declared the meeting adjourned at 7:20 pm.

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Bill McBrayer, Chair  
Hickory Regional Planning Commission

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Anne Starnes, Minutes Clerk  
City of Hickory

## REZONING ANALYSIS

**PETITION:** 21-05

**APPLICANT:** Jerry Grillo/ John McCormick (Agent)

**OWNERS:** The Favor Center Inc.

**PROPERTY LOCATION:** Between Adam Street and Garren Dr.

**PIN:** 3732-06-28-7944

**WARD:** This property is located in Ward 2 (Councilwoman Williams).

**ACREAGE:** 20.66 acres

**REQUESTED ACTION:** Rezone the properties from R-1 Residential to City of Hickory R-2 Residential.

**BACKGROUND:** The property is currently zoned R-1. Due to floodplain constraints on the western portion of the property the owner is seeking to rezone their property to allow for more higher density to increase the developability of their parcel.

**DEVELOPMENT POTENTIAL:** Under the current city and county zoning the properties can be developed for single and two-family residential uses at a density of two (2) dwelling units per acre. Given the current zoning, the properties could theoretically yield 41 dwelling units. The subject properties are currently vacant; however, the owners intend to develop the properties as a single-family residential subdivision.

The owners have requested the properties be zoned Residential – 2 (R-2). The density and uses in R-2 are different than R-1. The maximum R-2 density is 4 units per acre; however, R-2 does not permit duplexes or manufactured homes as allowed the R-1 district. Given the area, 20.66 acres, the properties could theoretically yield 82 single-family lots under R-2 zoning.

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

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

*The general area 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.) (Please refer to Map 1 for detail).*

*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 (4) 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 properties 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.

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

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

*The subject properties have access to a state-maintained roadway, as well as water and sewer infrastructure (upon annexation). During the annexation evaluation process, staff also verified all other public services were available, and would not be diminished with the future development of the subject properties. The land-use pattern of the area, with the inclusion of the subject properties, represents an efficient use of public services, and the wise use of public funding.*

- Regulate the type and intensity of development; and

*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.*

- 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, and properties are properly protected as prescribed by law.*

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

- **North:** The properties are zoned R-20 Residential by Catawba County, and are occupied by single-family residences or vacant.
- **South:** The properties are zoned R-20 Residential by Catawba County. These properties are either occupied by a single-family residence, or vacant.;
- **East:** The properties are zoned R-20 Residential by Catawba County. These properties are either occupied by a single-family residence, or vacant.
- **West:** The properties are zoned R-20 Residential by Catawba County. These properties are either occupied by a single-family residence, or vacant.

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

*The current land use pattern of the larger area consists largely of single-family residences. The rezoning of the properties to R-2 Residential would continue this development pattern and mirror the existing City zoning already in place in the surrounding area.*

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

*The current zoning and prior use of the properties likely had, or could have, comparable impacts on the surrounding neighborhood. The requested Medium Density Residential (R-2) zoning is similar to the existing zoning. The permissible uses of R-2 zoning will aid in minimizing future impacts on the neighborhood.*

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

*Public resources to provide critical public services are in place to service the area. These include public 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 properties are located within an area where the Hickory by Choice 2030 Comprehensive Plan anticipated continued residential development. The future use of the properties is residential.*

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

**RECOMMENDED ACTION:**

Staff finds Rezoning Petition 21-05 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:

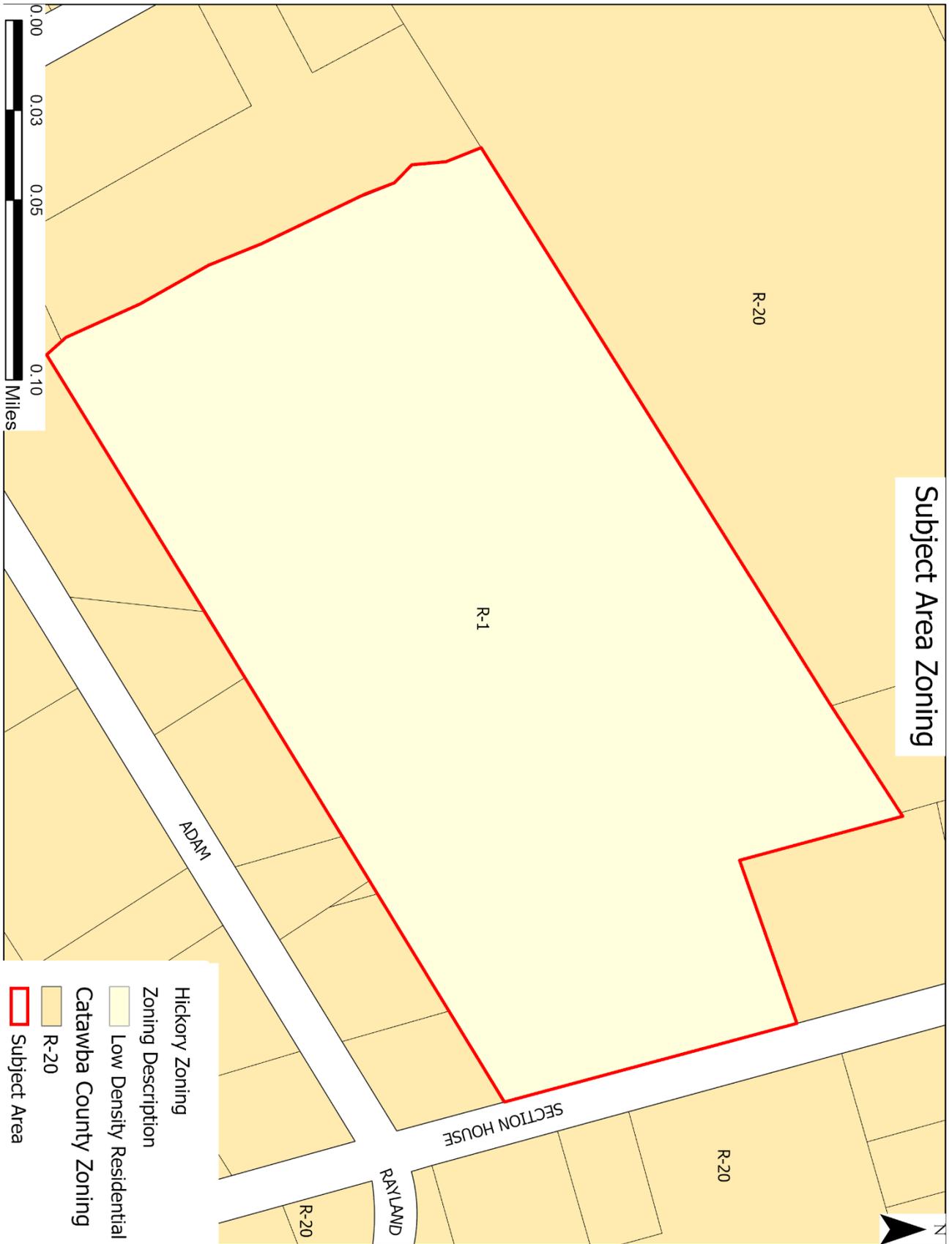
1. The Hickory Regional Planning Commission adopt a statement affirming the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan; and
2. Forward a recommendation of approval to the Hickory City Council.

**CITIZEN INPUT:**

As of September 15, 2021, staff has received two (2) inquiries regarding this petition.

Future Land Use







Subject Area Aerial